DOCUMENT RESUME

ED 310 697 HE 022 804

TITLE	Legal Documents Pertaining to Postsecondary Education. State of South Carolina.
INSTITUTION	South Carolina Commission on Higher Education, Columbia.
PUB DATE	May 89
NOTE	372p.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC15 Plus Postage.
DESCRIPTORS	Certification; College Students; *Educational Legislation; Facilities; Higher Education; Policy Formation; *Public Policy; Regional Planning; *State Legislation; Statewide Planning; Vocational Education
IDENTIFIERS	*South Carolina

ABSTRACT

A compilation of the provisions of the Code of Laws of South Carolina, 1976, including the 1988 Cumulative Supplement, which relate to postsecondary education, is presented. It supersedes a similar publication dated December 1985. Included are copies of Executive Orders issued by the Governor of South Carolina that affect postsecondary education. Certain acts that have not been codified are also included. A number of provisions of the Code that have general applicability are not reproduced. These cover leave, the retirement system, and grievance procedures, among other topics. Fourteen sections concern the following topics: State Commission on Higher Education; licensure; State Board for Technical and Comprehensive Education; vocational education; higher education facilities; provisions for students; miscellaneous provisions; colleges and universities generally; colleges and universities specifically; area higher education commissions; area technical education commissions and committees; Executive Orders; South Carolina Constitution; and regional organizations. (SM)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED310697

LEGAL DOCUMENTS PERTAINING TO POSTSECONDARY EDUCATION

STATE OF SOUTH CAROLINA

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.

- Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
South Carolina
Commission on H.E.
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

South Carolina
Commission on Higher Education
Columbia, South Carolina

May 1989

HE 022 804

BEST COPY AVAILABLE

LEGAL DOCUMENTS
PERTAINING TO
POSTSECONDARY EDUCATION

STATE OF SOUTH CAROLINA

South Carolina
Commission on Higher Education
Columbia, South Carolina

May 1989

SOUTH CAROLINA COMMISSION ON HIGHER EDUCATION
1333 Main Street, Suite 300
Columbia, South Carolina 29201

William J. Whitener
Chairman
Union

D. Glenburn Askins, Jr.
Vice Chairman
Marion

George L. Brightharp
Trenton

Walter E. Brooker
Denmark

Tom Moore Craig
Roebuck

Palmer Freeman, Sr.
Fort Mill

Robert C. Gallager
Charleston

Kenneth E. Goad
Aiken

Roger E. Henderson
Chesterfield

Marvin C. Jones
Walterboro

Reba Anne Kinon
Dillon

Howard G. Love
St. Matthews

Vernon McGuire
Varnville

Lewis Phillips
Greer

Raymond C. Ramage
Greenville

Edwin E. Tolbert, Sr.
Columbia

Joseph J. Turner, Jr.
Clemson

Mildred R. Williams
Clinton

COMMISSION STAFF

Fred R. Sheheen
Commissioner

Frank E. Kinard
Associate Commissioner
Academic Affairs

Milton Kimpson
Associate Commissioner
External Affairs

Alan S. Krech
Associate Commissioner
Planning and Special Projects

John E. Smalls
Associate Commissioner
Financial Affairs

John C. Sutusky
Associate Commissioner
Facilities

Jeffrey P. Bartkovich
Coordinator of Academic Programs
Facilities

Robert A. Day
Coordinator of Academic Programs

Jeanette A. Deas
Coordinator of Academic Programs

Lynn W. Metcalf
Coordinator of Academic Programs

Gail M. Morrison
Coordinator of Academic Programs

James A. Paschal
Coordinator of Facilities Planning

Robert K. Poch
Coordinator of Planning and
Assessment

Leonard P. Sternbach
Coordinator of Financial Analysis

Aileen C. Trainer
Coordinator of Academic Programs

Julia E. Wells
Coordinator of Access and Equity

Gaylon E. Syrett
Executive Assistant

Micahel L. Brown
Project Administrator

Sarah P. Reynolds
Business Manager

Judi R. Tillman
Data Management and Research
Analyst

Saundra E. Carr
Administrative Assistant

Penny P. Hayne
Administrative Assistant

Ann C. Klingenhagen
Librarian

Linda Laub
Administrative Assistant

LaDonna Rodriguez
Administrative Assistant

Ann J. Shelton
Administrative Assistant

Betty S. Simmons
Administrative Assistant

Yolanda L. Mitchell
Administrative Specialist

Janet K. Stewart
Administrative Specialist

SOUTH CAROLINA COMMISSION ON HIGHER EDUCATION
1333 MAIN STREET
SUITE 300
COLUMBIA, S. C. 29201

FRED R. SHEHEEN
Commissioner

TELEPHONE
803/253-6260

FAX NUMBER
803/253-6267

FOREWORD

This publication is primarily a compilation of the provisions of the Code of Laws of South Carolina, 1976, including the 1988 Cumulative Supplement, which relate to postsecondary education. It supersedes a similar publication dated December 1985.

Included are copies of Executive Orders issued by the Governor of South Carolina which affect postsecondary education. Certain acts which have not been codified are also included.

A number of provisions of the Code that have general applicability are not reproduced. These cover leave, the retirement system, and grievance procedures, among other topics. The annual Appropriation Act includes provisions applicable to postsecondary education which are not included in this document.

CONTENTS

State Commission on Higher Education 1

Initiatives for Research and Academic Excellence 9

Licensure 17

Licensing of Degree Granting Nonpublic Institutions. 17

Preservation of Student and Institutional Records 21

Proprietary School Act 25

Publicizing, Selling Courses of Instruction 31

State Board for Technical and Comprehensive Education 35

South Carolina Employment Revitalization Act 45

Vocational Education 51

Adult Education Generally 61

Higher Education Facilities 63

Facilities and Improvements for Technical Colleges 63

Educational Facilities Act for Private Institutions 71

State Institution Bonds 85

State Capital Improvement Bond Issuance Committee 95

Provisions for Students 101

Advanced Placement Courses for Academically Talented Students 101

Requirements for Admission to Graduate Programs in School Administration 101

Emphasis on Teaching as a Profession 101

Residency for Tuition and Fees 103

State Education Assistance Act 109

Federal Student Aid Distribution Committee 121

Joint Appropriations Review Committee 123

Tuition Grants 125

7

- Scholarships 129
- Free Tuition for Children of Certain Persons 133
- Free Tuition for Senior Citizens .135
- Medical and Dental Scholarships .137
- South Carolina National Guard Tuition Assistance Act 141

Miscellaneous Provisions 143

- Implementation of Regulations Concerning the South Carolina Education Improvement Act 143
- Training, Certification, and Evaluation of Public Educators. 145
- Special School of Science and Mathematics 151
- Reports to State Superintendent of Education 153
- Home Study School 155
- Junior College Courses 157

Colleges and Universities Generally 161

- Designation of State Colleges and Universities 161
- Presidents of Student Bodies on Boards of Trustees 162
- Enrollment Preference to Residents 162
- Degree of Licentiate of Instruction 163
- Suspending Classes for Christmas and New Year's Day 163
- Display of Flags 163
- Charge for Diplomas 164
- Reports to High Schools 164
- Liability Insurance 165
- Sale of Property 165
- Dean's Committee on Medical Doctor Education 166

Colleges and Universities to Emphasize Teaching as a Career 167

Stealing or Damaging Books 167

Failing to Return Books 168

Disturbing Schools 169

Bribing Athletes and Athletic Officials 170

Scalping Athletic Tickets 170

Closing of Educational Institutions on General Election Day 171

Publications Required by State Library 171

Grievance and Performance Appraisal Procedures for Academic Employees 172

Required Subjects 173

Membership, Commission of Archives and History 176

Textbook Rental System 176

Colleges and Universities Specifically 177

University of South Carolina 177

Clemson University 187

The Citadel 201

Medical University of South Carolina 205

Winthrop College 217

South Carolina State College 223

The College of Charleston 227

Francis Marion College 239

Lander College 243

Charleston Higher Education Consortium (Repealed) 247

State College Board of Trustees (Repealed). 247

Area Higher Education Commissions 249

Western Carolina 249

Aiken 250

Beaufort 253
Cherokee 257
Chesterfield 258
Colleton 260
Fairfield 261
Florence 262
Georgetown 264
Horry 266
Lancaster 275
Lexington 279
Marlboro 280
Oconee 281
Spartanburg 282
Sumter 285
Union-Laurens. 287
Area Technical Education Commissions and Committees 291
Aiken 291
Anderson-Oconee-Pickens 294
Beaufort 297
Berkeley-Charleston-Dorchester 299
Chesterfield-Marlboro 301
Denmark 304
Florence-Darlington 305
Greenville 308
Horry-Georgetown 313
Orangeburg-Calhoun 317
Piedmont 320

- Richland-Lexington 322
- Spartanburg 327
- Sumter 330
- York 334
- Williamsburg 339

Executive Orders 343

- Establishing the State Commission on Postsecondary Education 343
- Continuing the South Carolina Advisory Council on Vocational and Technical Education 345
- Reestablishing the South Carolina Developmental Disabilities Council 347
- Continuing the State Natural Resources Education Council 351
- Creating the South Carolina Initiative on Work Force Excellence 355
- Establishing the State Council on Vocational and Technical Education 359
- Transferring the Division of Employment and Training from the State Board for Technical and Comprehensive Education to the Office of the Governor 363

South Carolina Constitution 365

- Property Exempt from Taxation 365
- System of Free Public Institutions of Learning 367
- Direct Aid to Private Institutions Prohibited 367
- Dual Office Holding 368

Regional Organizations 369

- Compact for Education (ECS) 369
- Southern Regional Education Board 377

CONTENTS BY CODE NUMBERS

2-47-10 Capital Improvement Bond Committee. 95
2-49-10 Federal Student Aid Distribution Committee. 121
2-65-50 Joint Appropriations Review Committee 123
8-17-380 Grievance Procedures for Academic Employees 172
16-13-330 Stealing or Damaging Books. 167
16-13-340 Failing to Return Books 168
16-17-420 Disturbing Schools 169
16-17-550 Bribing Athletes and Athletic Officials 170
16-17-710 Scalping Athletic Tickets 170
59-1-370 Closing of Schools on Election Day. 171
59-3-50 Reports to State Superintendent of Education. 153
59-5-69 Implementation of Education Improvement Act 143
59-6-10 Monitoring Implementation of the Education Improvement Program 143
59-11-10 Compact for Education 369
59-24-20 Requirements for Admissions to Graduate Programs in School Administration. 101
59-26-10 Training, Certification, and Evaluation of Educators. 145
59-29-40 Required Subjects 173
59-29-190 Advanced Placement Courses. 101
59-29-210 Emphasis on Teaching as a Profession. 101
59-31-250 Textbook Rental System. 176
59-39-120 Reports to High Schools 164
59-43-10 Adult Education Generally 61
59-45-70 Home Study School 155
59-46-10 Licensure of Degree Granting Nonpublic Institutions 17
59-46-210 Preservation of Student Records 21
59-48-10 Special School of Science and Mathematics 151
59-53-10 State Board for Technical and Comprehensive Education . . . 35
59-53-150 Facilities for Technical Institutions 63
59-53-210 Anderson-Oconee-Pickens Technical Education Commission. . . 294
59-53-410 Berkeley-Charleston-Dorchester Technical Education Commission. 299
59-53-510 Chesterfield-Marlboro Technical Education Commission. . . . 301
59-53-610 Denmark Technical College Area Commission 304
59-53-710 Florence-Darlington Technical Education Center. 305
59-53-810 Horry-Georgetown Technical Education Commission 313
59-53-910 Beaufort Technical College Area Commission. 297
59-53-1010 Orangeburg-Calhoun Technical Education Commissioin. 317
59-53-1210 Piedmont Technical Education Commission 320
59-53-1410 Sumter Area Technical Education Commission 330
59-53-1610 Richland-Lexington Technical Education Commission 322
59-53-1810 Vocational Education 51
59-54-10 Employment Revitalization Act 45
59-55-10 Junior College Courses. 157
59-57-10 Western Carolina Higher Education Commission. 249
59-59-10 Proprietary School Act 25
59-61-10 Publicizing and Selling Courses 31
59-101-10 Colleges and Universities Generally 161

59-101-40 Presidents of Student Bodies on Boards of Trustees. 162
59-101-50 Enrollment Preference to Residents. 162
59-101-80 Degree of Licentiate of Instruction 163
59-101-90 Suspending Exercises for Christmas and New Year's Day . . . 163
59-101-100 Display of Flags 163
59-101-120 Charge for Diplomas 164
59-101-130 Reports to High Schools 164
59-101-170 Liability Insurance 165
59-101-180 Sale of Property 165
59-101-190 Dean's Committee on Medical Doctor Education. 166
59-101-280 Colleges and Universities to Emphasize Teaching 167
59-103-5 Commission on Higher Education. 1
59-104-10 Initiatives for Research and Academic Excellence. 9
59-107-10 Institution Bonds 85
59-109-10 Educational Facilities Act for Private Institutions 71
59-111-10 Scholarships and Free Tuition 129
59-111-110 Free Tuition for Children of Certain Persons. 133
59-111-310 Free Tuition for Senior Citizens. 135
59-111-510 Medical and Dental Scholarships 137
59-112-10 Residency for Tuition and Fees 103
59-113-10 Tuition Grants. 125
59-114-10 National Guard Tuition Assistance Act 141
59-115-10 State Education Assistance Act 109
59-117-10 University of South Carolina 177
59-119-10 Clemson University 187
59-121-10 The Citadel 201
59-123-10 Medical University of South Carolina 205
59-125-10 Winthrop College. 217
59-127-10 South Carolina State College 223
59-130-10 The College of Charleston 227
59-131-10 Parking at the College of Charleston. 231
59-133-10 Francis Marion College. 239
59-135-10 Lander College. 243
60-2-30 State Library Requirements. 171
60-11-40 Membership, Commission of Archives and History. 176
60-13-210 Institute of Archeology and Anthropology. 184

ALPHABETICAL LIST OF SUBJECTS

- Adult Education Generally 61
- Admission to Graduate Programs in School Administration 101
- Advanced Placement Courses for Academically Talented Students 101
- Area Higher Education Commissions 249
  - Aiken 250
  - Beaufort 253
  - Cherokee 257
  - Chesterfield 258
  - Colleton 260
  - Fairfield 261
  - Florence 262
  - Georgetown 264
  - Horry 266
  - Lancaster 275
  - Lexington 279
  - Marlboro 280
  - Oconee 281
  - Spartanburg 282
  - Sumter 285
  - Union-Laurens 287
  - Western Carolina 249
- Area Technical Education Commissions and Committees 291
  - Aiken 291
  - Anderson-Oconee-Pickens 294
  - Beaufort 297
  - Berkeley-Charleston-Dorchester 299
  - Chesterfield-Marlboro 301
  - Denmark 304
  - Florence-Darlington 305
  - Greenville 308
  - Horry-Georgetown 313
  - Orangeburg-Calhoun 317
  - Piedmont 320
  - Richland-Lexington 322
  - Spartanburg 327
  - Sumter 330
  - York 334
  - Williamsburg 339
- Athletic Tickets, Scalping 170
- Bonds, State Capital Improvement Issuance Committee 95
- Bonds, State Institution 85
- Books, Failing to Return 168
- Books, Stealing or Damaging 167
- Books, Textbook Rental System 176
- Bribing Athletes and Athletic Officials 170
- Charge for Diplomas 164
- Charleston Higher Education Consortium (Repealed) 247
- Classes, Suspending for Christmas and New Year's Day 163
- Closing of Educational Institutions on General Election Day 171
- Colleges and Universities, Designation of 161
- Colleges and Universities Generally 161

- Colleges and Universities Specifically 177
  - University of South Carolina 177
  - Clemson University 187
  - The Citadel 201
  - Medical University of South Carolina 205
  - Winthrop College 217
  - South Carolina State College 223
  - The College of Charleston 227
  - Francis Marion College 239
  - Lander College 243
- Commission of Archives and History, Membership 176
- Commission on Higher Education 1
  - Initiatives for Research and Academic Excellence 9
- Constitution, South Carolina 365
  - Direct Aid to Private Institutions Prohibited 367
  - Dual Office Holding 368
  - Property Exempt from Taxation 365
  - System of Free Public Institutions of Learning 367
- Dean's Committee on Medical Doctor Education 166
- Disturbing Schools 169
- Education Improvement Act, Implementation of Regulations 143
- Education Assistance Act 109
- Employment Revitalization Act 45
- Enrollment Preference to Residents 162
- Executive Orders 343
- Facilities 63
  - Bonds, State Capital Improvement Issuance Committee 95
  - Bonds, State Institution 85
  - Educational Facilities Act for Private Institutions 71
  - Facilities and Improvements for Technical Colleges 63
- Flags, Display of 163
- Grievance and Performance Appraisal Procedures for Academic Employees 172
- High Schools, Reports to 164
- Home Study School 155
- Junior College Courses 157
- Liability Insurance 165
- Licensure of Degree Granting Nonpublic Institutions 17
- Licentiate of Instruction 163
- Proprietary School Act 25
- Publicizing, Selling Courses of Instruction 31
- Regional Organizations 369
  - Compact for Education (ECS) 369
  - Southern Regional Education Board 377
- Required Subjects 173
- Residency for Tuition and Fees 103
- Sale of Property 165
- Scholarships and Free Tuition 129
  - Federal Student Aid Distribution Committee 121

    Free Tuition for Children of Certain Persons 133
    Free Tuition for Senior Citizens 135
    Joint Appropriations Review Committee. 123
    Medical and Dental Scholarships 137
    National Guard Tuition Assistance Act. 141
    Scholarships 129
    State Education Assistance Act 109
    Tuition Grants 125
School of Science and Mathematics 151
State College Board of Trustees (Repealed). 247
State Library, Publications Required by 171
State Superintendent of Education, Reports to 153
Student Body Presidents on Boards of Trustees 162
Student and Institutional Records, Preservation of 21
Teaching as a Career, Colleges and Universities to Emphasize. 167
Teaching as a Profession, Emphasis on 101
Technical and Comprehensive Education, State Board for. 35
Training, Certification, and Evaluation of Public Educators 145
Vocational Education 51

State Commission on Higher Education

New Sections Added

SEC.
59–103–5. Definitions.
59–103–25. Publication of legislation; standing committees.
59–103–35. Submission of budget—new and existing programs.
59–103–36. Military students included in count of full-time students.
59–103–90. Professional staff.
59–103–100. Federal and private research grants not to be limited.
59–103–110. Approval for new construction; exemptions.
59–103–120. Accreditation and chartering of chiropractic colleges.
59–103–130. Colleges and universities to emphasize teaching as career opportunity.
59–103–140. Contracts with colleges and universities for provision of teacher training programs.
59–103–150. Early retirement plans for faculty of public institutions of higher learning.

§ 59–103–5. Definitions.

For purposes of this chapter (1) "public higher education" shall mean state-supported education in the post-secondary field, including comprehensive and technical education; (2) "public institution of higher learning" shall mean any state-supported-post-secondary educational institution and shall include technical and comprehensive educational institutions.

HISTORY: 1978 Act No. 410 § 1, eff March 6, 1978.

§ 59–103–10. State Commission on Higher Education created; membership.

There is created the State Commission on Higher Education. Two members must be appointed by the Governor from each congressional district upon the recommendation of the majority of the legislative delegation members from the district. Six members must be appointed by the Governor from the State at large with the advice and consent of the Senate. Members must be appointed for terms of four years and until their successors are appointed and qualify. No one is eligible to serve on the commission for more than two consecutive terms. A term served by a member which is less than a full four-year term must not be counted in determining when a member has served the maximum number of terms. No member may be an employee or member of a governing body of a public or private institution of higher learning in this State. The Governor, by his appointments, shall assure that various economic interests and minority groups, especially women and blacks, are fairly represented on the commission and shall attempt to assure that the graduates of no one public or private college or technical college are dominant on the commission. Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term. The chairman of the commission must be elected annually by the members of the commission and may not serve as chairman for more than four consecutive years. Members recommended by the General Assembly must be residents of the appropriate congressional district. If the boundaries of congressional districts are changed, members serving on the commission continue to serve until the expiration of their terms, but successors to members whose terms expire must be appointed from the newly defined congressional district. If a congressional district is added, the commission must be enlarged to include representation from that district.

HISTORY: 1978 Act No. 410 § 2, eff March 6, 1978; 1988 Act No. 629, § 2, eff June 7, 1988.

Editor's Note—

Section 3 of 1978 Act No. 410 provides as follows:

"The terms of the present members of the Commission on Higher Education shall terminate on the effective date of this act. Such members shall be eligible for reappointment for full terms. Of the members first appointed with the advice and consent of the respective legislative delegation, one from each congressional district shall be appointed for a term of two years and one from each congressional district shall be appointed for a term of four years. Of the members first appointed upon the recommendation of a majority of the legislative delegation members of each congressional district, three shall be appointed for terms of two years and three shall be appointed for terms of four years. The successors of all the members shall be appointed for a regular four-year term and until their successors are appointed and qualify."

Section 4 of 1978 Act No. 410 provides as follows:

"The definitions of 'public higher education' and 'public institution of higher learning'," prescribed in § 59–103–5 of the 1976 Code, added by Section 1 of this act, shall apply to this section.

"Notwithstanding the provisions of Chapters 53 and 105 of Title 59 of the 1976 Code and the statutes relating to individual state-supported institutions of higher learning and any other provision of law, the State Commission on Higher Education (commission), immediately upon its reorganization as directed by the amendments, as contained in this act and in addition to its other duties as provided in Chapter 103 of Title 59 of the 1976 Code, shall make a complete and thorough study of all public institutions of higher learning, including technical schools, their offerings, goals and plans and upon completion write a master plan of public higher education. The plan shall make the best possible use of existing plants and administrative and instructional staffs. It shall include the mission and scope of each public institution of higher learning. It shall consider the location, offerings and objectives of privately supported institutions of higher learning. The master plan shall create a one-year program for each institution of higher learning establishing its goal, mission, procedures and enrollment objectives. It shall include a long-range plan for higher education and recommendations for legislation revising statutes governing public higher education to eliminate duplication of authority among governing bodies of public institutions of higher learning and their programs and curricula. The master plan shall, as soon as practical, address all major academic and public service programs of the post-secondary institutions in terms of goals and objectives, costs versus benefits to the people of the State, relationship to state and local governmental programs, priority for use of scarce resources within post-secondary education, strategies of instruction and operation and effectiveness of the programs in achieving their goals and objectives. The master plan shall be used to guide the Commission in its annual budget recommendations to the Budget and Control Board and the General Assembly and, as soon as practical, the master plan shall constitute a complete evaluation of post-secondary education programs sufficient to provide the basis of a zero-based budget analysis of post-secondary education. The master plan shall be presented to the General Assembly by the commission within one year of the effective date of this act and shall take effect upon approval by the General Assembly, and shall be reviewed annually by the commission for the purpose of making revisions to assure its continued validity. While the commission is conducting its study and until such time as the master plan is adopted, no public institution of higher learning shall expand its curricula, administrative staff or faculty nor shall there be further construction of physical plants other than construction already approved by the General Assembly or State Board for Technical and Comprehensive Education unless such expansion or construction is approved by the commission and the Budget and Control Board or either body of the General Assembly to satisfy pressing local needs. The commission is hereby designated as the state post-secondary educational planning agency, upon approval by the Governor, under the provisions of the Federal Higher Education Act of 1965, as amended. *Provided*, that the restriction on construction of physical plant shall not apply to Francis Marion College in Florence County."

Sections 5 and 7 of 1988 Acts No. 629 provide as follows:

"SECTION 5. (A) Members of the State Commission on Higher Education on the effective date of this act continue to serve until the expiration of their terms.

(B) Of the nine terms which expire in 1988:

(1) four members must be appointed, one from the third, fourth, fifth, and sixth congressional districts, upon the recommendation of the majority of the legislative delegation members from the district, for terms of four years;

(2) two members must be appointed, one from the first and second districts, upon the recommendation as provided in item (1), for terms of one year initially;

(3) three members must be appointed from the State at large with the advice and consent of the Senate, for terms of one year initially.

(C) Of the five terms which expire in 1989:

(1) two members must be appointed, one from the first and second districts, upon the recommendation as provided in item (1) of subsection (B), for terms of four years;

(2) three members must be appointed from the State at large, with the advice and consent of the Senate, for terms of four years.

(D) Of the nine terms which expire in 1990:

(1) four members must be appointed, one from the first, second, third, and fourth districts, upon the recommendation as provided in item (1) of subsection (B), for terms of four years;

(2) two members must be appointed, one from the fifth and sixth districts, upon the recommendation as provided in item (1) of subsection (B), for terms of one year initially;

(3) three members must be appointed from the State at large, with the advice and consent of the Senate, for terms of one year initially.

(E) Of the five terms which expire in 1991:

(1) two members must be appointed, one from the fifth and sixth districts, upon the recommendation as provided in item (1) of subsection (B), for terms of four years;

(2) three members must be appointed from the State at large, with the advice and consent of the Senate, for terms of four years.

(F) After the initial appointments provided for in this section, the terms of the members are four years, and their successors must be appointed as provided in this act."

"SECTION 7. The State Commission on Higher Education, in consultation with the public institutions of higher learning in this State, shall conduct a study of out-of-state and in-state student enrollments in South Carolina and neighboring states. The study must examine the appropriate level of charges for out-of-state undergraduate students in South Carolina's public colleges and universities and the impact of charges on student enrollment. The commission shall report the findings of the study to the General Assembly not later than January 1, 1989."

Effect of Amendments—

The **1978** amendment substantially rewrote the section.

The **1988** amendment rewrote this section.

ATTORNEY GENERAL'S OPINIONS

Present Commission on South Carolina Higher Education must continue in office in a de facto capacity until Commissioners named in 1978 Act assume office. 1978 Op Att'y Gen, No 78-44, p 70.

Commission on Higher Education does not have the authority to direct the use of university or college fees, nor the authority to require that they be increased or decreased; the lack of such authority is not in derogation of the Commission's general statutory purpose, which is to achieve an equitable distribution of State funds among the colleges and universities under its supervisory authority. 1978 Op Att'y Gen, No 78-16, p 28.

South Carolina residents who are employees of out-of-state colleges and universities may serve as members of the Commission on Higher Education. 1983 Op Atty Gen, No. 83-13, p. 26.

§ 59–103–20. Studies of institutions of higher learning.

The Commission shall meet regularly and is charged with the duty of making studies of the State's institutions of higher learning relative to both short and long-range programs which shall include:

(a) The role of State-supported higher education in serving the needs of the State and the roles and participation of the individual institutions in the State-wide program;

(b) Enrollment trends, student costs, business management practices, accounting methods, operating results and needs and capital fund requirements;

(c) The administrative setup and curriculum offerings of the several institutions and of the various departments, schools, institutes and services within each institution and the respective relationships to the services and offerings of other institutions;

(d) Areas of State-level coordination and cooperation with the objective of reducing duplication, increasing effectiveness and achieving economies and eliminating sources of friction and misunderstanding;

(e) Efforts to promote a clearer understanding and greater unity and good will among all institutions of higher learning, both public and private, in the interest of serving the educational needs of the people of South Carolina on a State-wide level.

HISTORY: 1962 Code § 22-15.7; 1962 (52) 1956; 1967 (55) 261.

§ 59–103–20. Studies of institutions of higher learning.

Cross references—

As to advice from Task Force on Educator Improvement regarding actions needed to upgrade teacher training programs, see § 59–26–50.

§ 59–103–25. Publication of legislation; standing committees.

The commission shall compile and publish legislation applicable to it so that the relationships among the commission, the governing bodies of public institutions of higher education, the General Assembly and the executive branches of government may be more clearly established and understood.

The commission shall create from among its membership such standing committees as it may deem necessary. The creation of the committees and their duties shall be prescribed by a two-thirds vote of the membership of the commission. Special committees may be created and their duties prescribed by a majority vote of the membership of the commission.

HISTORY: 1978 Act No. 410 § 5, eff March 6, 1978.

§ 59–103–30. Repealed by 1978 Act No. 410 § 10, eff March 6, 1978.

§ 59–103–35. Submission of budget—new and existing programs.

All public institutions of higher learning shall submit line-item budgets to the commission in the manner set forth in this section. The State Board for Technical and Comprehensive Education shall submit a single line-item budget to the commission representing the total request of all area-wide technical and comprehensive educational institutions. The budget submitted by each institution and the State Board for Technical and Comprehensive Education must include all state funds, federal grants, tuition, and fees other than funds derived wholly from athletic or other student contests, from the activities of student organizations, from approved private practice plans, and from the operation of canteens and bookstores which may be retained by the institutions and be used as determined by the respective governing boards, subject to annual audit by the State. Fees established by the respective governing boards for programs, activities, and projects not covered by appropriations or other revenues may be retained and used by each institution as previously determined by the respective governing boards, subject to annual audit by the State.

Supplemental appropriations requests from any public institution of higher education must be submitted first to the commission. If the commission does not concur in the requests the affected institution may request a hearing on the requests before the appropriate committee of the General Assembly. The commission may appear at the hearing and present its own recommendations and findings to the same committee.

No new program may be undertaken by any public institution of higher education without the approval of the commission. The provisions of this chapter apply to all college parallel, transferable, and associate degree programs of technical and comprehensive education institutions. All other programs and offerings of technical and comprehensive education institutions are excluded from this chapter. The commission has the authority to recommend the termination of an existing program at any institution within the purview of this chapter. An appeal from this recommendation must be made by the governing board of an affected institution within sixty days to the Senate Education Committee and the House Education and Public Works Committee which shall hear the parties to the appeal. If both committees refuse to concur in the recommendation for termination, the program must not be terminated pursuant to the recommendation of the commission which is the subject of this appeal. A decision must be reached by the committees within one hundred twenty days from the date of the filing of the appeal.

HISTORY: 1978 Act No. 410 § 8, eff March 6, 1978; 1988 Act No. 629, § 3, eff June 7, 1988.

Effect of Amendment—
The 1988 amendment rewrote this section.

ATTORNEY GENERAL'S OPINIONS

Upon appeal from the termination of a program by the Higher Education Commission, concurrence of both appropriate House and Senate committees is necessary before termination becomes effective. 1981 Op Att'y Gen, No 81-8, p 14.

§ 59–103–36. Military students included in count of full-time students.

Military students in the senior colleges and universities of this State shall be included in the count of full-time equivalent students for the purpose of determining the appropriation of each institution. The Commission on Higher Education and the Budget and Control Board may make whatever audit adjustments are necessary to carry out this intent.

HISTORY: 1981 Act No. 152, § 1, eff July 20, 1981.

§ 59–103–40. Council of presidents of State institutions of higher learning.

The Commission shall establish a council of presidents consisting of the presidents of the State institutions of higher learning. The council of presidents shall appoint a chairman and such other officers and committees as it may see fit. It shall meet at least four times a year, of which two meetings will be held jointly with the Commission. The council of presidents shall establish committees consisting of qualified personnel representing the various State-supported institutions of higher learning, either upon request of the Commission or upon its own initiative, to investigate, study and report to the Commission on such subjects as:

(a) Academic planning

(b) Business and financial coordination

(c) Library utilitization and coordination.

HISTORY: 1962 Code § 22-15.8; 1962 (52) 1956; 1967 (55) 261.

§ 59–103–50. Advisory Council of Private College Presidents.

There shall be established, under the auspices of the Commission, an Advisory Council of Private College Presidents to counsel with and advise the Commission with regard to matters concerning nonpublic colleges and their role in overall programs of higher education in the State. The Council shall consist of eight members selected by the South Carolina College Council. Terms of members shall be for four years, except that of those first appointed two shall be for four years, two for three years, two for two years and two for one year. A chairman shall be elected by the members. The Council shall meet upon the call of the chairman and shall meet at least once annually with the Commission.

HISTORY: 1962 Code § 22-15.8:1; 1972 (57) 2627.

§ 59–103–60. Recommendations to State Budget and Control Board and General Assembly; approval of new programs.

The Commission shall make such recommendations to the State Budget and Control Board and the General Assembly as to policies, programs, curricula, facilities, administration and financing of all State-supported institutions of higher learning as may be considered desirable. The State Budget and Control Board may refer to the Commission for investigation, study and report any requests of institutions of higher learning for new or additional appropriations for operating and for other purposes and for the establishment of new or expanded programs.

HISTORY: 1978 Act No. 410 § 7, eff March 6, 1978.

Effect of Amendments—

The 1978 amendment deleted the last paragraph of this section.

§ 59–103–70. Reports.

The Commission shall make reports to the Governor and the General Assembly at least annually on the status and progress of higher education in the State, with such recommendations as may be appropriate.

HISTORY: 1962 Code § 22-15.10; 1962 (52) 1956; 1967 (55) 261.

§ 59–103–80. Expenses; compensation of Commission members.

Funds for the necessary technical, administrative and clerical assistance and other expenses of the Commission, including stationery, shall be carried in the annual appropriation act for the State. The members of the Commission shall be allowed such per diem and mileage as authorized by law for members of boards, commissions and committees. The sum appropriated for the use of the Commission shall be expended upon warrants signed by the chairman.

HISTORY: 1962 Code § 22-15.11; 1962 (52) 1956; 1967 (55) 261.

§ 59–103–90. Professional staff.

A professional staff complement shall be established by the Commission on recommendation of the Executive Director which shall insure that there are persons on the staff who have the professional competence and experience to carry out the duties assigned and to insure that there are persons on the staff who are familiar with the problems and capabilities of all of the principal types of state supported institutions in the state. Provision shall be made for persons of high competence and strong professional experience in such areas as academic affairs, public service and extension programs, business and financial affairs, institutional studies and long-range planning, student affairs, research and development, legal affairs, health affairs, institutional development, and for State and Federal programs administered by the Commission. The hiring of additional staff members to any position for which funds were not specifically appropriated by the General Assembly shall require prior approval by the General Assembly.

HISTORY: 1978 Act No. 410 § 6, eff March 6, 1978.

§ 59–103–100. Federal and private research grants not to be limited.

The provisions of this chapter shall not be construed to limit federal and private grants which are made for research and are not connected with teaching programs.

HISTORY: 1978 Act No. 410 § 7A, eff March 6, 1978.

§ 59–103–110. Approval for new construction; exemptions.

No public institution of higher learning shall be authorized to construct any new permanent facility at any location other than on a currently approved campus or on property immediately contiguous thereto unless such new location and such new facility has been approved by the Commission. *Provided,* that the provisions of this section shall not apply to the Trident Technical College property in Berkeley County or the new Palmer College site in Charleston County or Francis Marion College in Florence County.

HISTORY: 1978 Act No. 410 § 9, eff March 6, 1978.

§ 59–103–120. Accreditation and chartering of chiropractic colleges.

One hundred and eighty days from the effective date of this act, the State Commission on Higher Education shall publish a list of the accrediting agency or agencies, which may include itself, approved by it for accreditation of chiropractic colleges or schools doing business in this State. Any chiropractic college or school doing business in this State shall, upon publication of said list of such accrediting agency or agencies, forthwith apply for such accreditation or candidate status and furnish the State Commission on Higher Education documented evidence of such application.

Failure to obtain such accreditation or candidate status within nineteen months after publication of the list of approved agencies shall result in the Commission on Higher Education revoking the status of such college or school as a recognized college or school of chiropractic.

Provided, further, any college of chiropractic applying for a South Carolina charter must furnish the Commission on Higher Education with sufficient evidence that such school will qualify for required accreditation. Upon certification by the Commission on Higher Education to the Secretary of State, the Secretary of State may issue a charter; *provided,* further, however, that any college now chartered must attain required licensure before one hundred eighty days after the effective date of this act or have its charter revoked upon a finding by the Attorney General that such licensure has not been attained by such date. In addition to other existing criteria, licensure of all chiropractic colleges shall be renewable annually contingent upon supplying semiannual reports as to the progress of accreditation to the Commission on Higher Education and the Commission shall make a determination if such progress is satisfactory.

HISTORY: 1980 Act No. 307, § 1, eff Jan. 22, 1980; 1981 Act No. 178 Part II § 6, eff July 29, 1981.

Effect of Amendments—

The 1981 amendment, in the second paragraph, substituted "nineteen months" for the former "one year."

Cross references—

As to chiropractors and chiropractic, generally, see Chapter 9 of Title 40.

§ 59–103–130. Colleges and universities to emphasize teaching as career opportunity.

The Commission on Higher Education shall adopt guidelines whereby the publicly supported colleges and universities of this State shall emphasize teaching as a career opportunity and provide students interested in a teaching career with opportunities to tutor other students.

HISTORY: 1984 Act No. 512, Part II, § 9, Division II, Subdivision C, SubPart 1, § 1(D), became law on June 28, 1984, without the Governor's signature.

Cross references—

As to emphasis on teaching as a profession by the Governor's schools for talented high school students, see § 59–29–210.

§ 59–103–140. Contracts with colleges and universities for provision of teacher training programs.

The Commission on Higher Education, in consultation with the State Board of Education, may contract with selected public or private colleges and universities, or groupings of such institutions, to provide centers of excellence in programs designed to train teachers. The Commission shall devise guidelines and procedures by which institutions, or groups of institutions, may apply for such contracts by the Commission. Such guidelines and procedures shall include participation by local schools or school districts in such programs as may be appropriate. Funds for implementing this activity shall be appropriated annually to the Commission on Higher Education which, in consultation with the State Board of Education, shall monitor the performance of participating institutions and may or may not elect to renew such contracts to any original college or university.

HISTORY: 1984 Act No. 512, Part II, § 9, Division II, Subdivision C, SubPart 3, § 2, became law on June 28, 1984, without the Governor's signature.

§ 59–103–150. Early retirement plans for faculty of public institutions of higher learning.

(A) As long as there is no impact on state appropriations and subject to approval by the governing body of the public institution of higher education, the institution may implement an early retirement plan for its faculty to accomplish the following objectives:

(1) reallocate institutional resources;

(2) provide an equitable method to increase the flexibility of the institution to effect cost-saving measures;

(3) foster intellectual renewal;

(4) provide increased opportunities for promotion of a younger faculty;

(5) improve the opportunity to recruit qualified women and minorities.

(B) An early retirement plan may include provisions for institutions to pay:

(1) actuarial costs required by §§ 9-1-1850 and 9-11-60;

(2) health, dental, and life insurance costs;

(3) incentive payments;

(4) the costs of single premium annuity plans to provide supplemental benefits.

HISTORY: 1987 Act No. 100 § 1, eff May 13, 1987.

Initiatives for Research and Academic Excellence

		Beginning Section
ARTICLE 1.	Excellence for Students.	59-104-10
ARTICLE 3.	Excellence in Instruction and Educational Services.	59-104-210
ARTICLE 5.	Excellence in Research for Economic Development.	59-104-410
ARTICLE 7.	Improving Accountability Through Planning and Assessment.	59-104-610

ARTICLE 1

EXCELLENCE FOR STUDENTS

SEC.
59–104–10. Admission standards; adoption of admission policies.
59–104–20. Palmetto Fellows Scholarship Program established.
59–104–30. Developmental education plans, studies, and programs.
59–104–40. Technical education system shall convert to semester calendar; limitation on offering of certain courses.

§ 59–104–10. Admission standards; adoption of admission policies.

(A) In consultation and coordination with the public institutions of higher learning in this State, the State Commission on Higher Education shall ensure that minimal admissions standards are maintained by the institutions.

The commission, with the institutions, shall monitor the effect of compliance with admissions prerequisites that are effective in fall, 1988.

(B) The boards of trustees of each public institution of higher learning, excluding the State Board for Technical and Comprehensive Education, shall adopt admission policies reflecting the desired mix of in-state and out-of-state enrollment appropriate for each institution. Changes in the policies affecting the mix of in-state and out-of-state enrollment must be approved by the board of trustees of the affected institution. The boards shall submit the policies to the commission by July 1, 1989, and any subsequent changes to the policies must be submitted to the commission. For purposes of this section enrollment must be calculated on a full-time equivalency basis with the equivalent of one full-time student being a student enrolled for thirty credit hours in an academic year. Out-of-state students means students who are not eligible for in-state rates for tuition and fees under Chapter 112 of Title 59.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

§ 59–104–20. Palmetto Fellows Scholarship Program established.

The Palmetto Fellows Scholarship Program is established to foster scholarship among the state's postsecondary students and retain outstanding South Carolina high school graduates in the State through awards based on scholarship and achievement. Measures must be taken to ensure equitable minority participation in this program. Recipients of these scholarships are designated Palmetto Fellows. Each Palmetto Fellow shall receive a scholarship in an amount designated by the Commission on Higher Education, half to be provided by the postsecondary institution at which he is enrolled. The commission shall promulgate regulations and establish procedures to administer the program and request annual state appropriations for the program.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

§ 59–104–30. Developmental education plans, studies, and programs.

Each public institution of higher learning in this State shall develop a plan for developmental education in accord with provisions, procedures, and requirements developed by the Commission on Higher Education. The commission shall conduct a study as well as evaluations and reviews of developmental education in this State. The commission shall develop appropriate methods of funding developmental education programs and courses.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

§ 59–104–40. Technical education system shall convert to semester calendar; limitation on offering of certain courses.

(A) The technical education system in this State shall convert from the quarter calendar to the semester calendar, if funds are appropriated for this purpose. The Commission on Higher Education shall request state appropriations for the conversion to be funded and completed over a two-year period.

(B) The State Board for Technical and Comprehensive Education, in consultation with the commission, shall limit the offering of courses designed for college transfer in those technical colleges that do not have approved college transfer programs. The offering of "college parallel" general education courses in institutions not authorized to award the associate in arts or associate in science degree is limited to those necessary to support approved nontransfer programs. The commission, after consultation with the State Board for Technical and Comprehensive Education and with public senior colleges and universities, shall establish rules and procedures by which this limitation must be regulated. The commission shall continue to work with all of the institutions to improve articulation concerning courses acceptable for transfer.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

ARTICLE 3

EXCELLENCE IN INSTRUCTION AND EDUCATIONAL SERVICES

SEC.

59–104–210. Competitive grants program established.
59–104–220. Governor's Professor of the Year Award established.
59–104–230. Endowed professorships program.
59–104–240. Salary enhancement program for technical colleges and two-year campuses.
59–104–250. Technical college libraries shall convert to computer-based automated system compatible with state library systems.
59–104–260. Commission shall encourage development of joint programs.

§ 59–104–210. Competitive grants program established.

A competitive grants program is established to improve undergraduate education in South Carolina. The State Commission on Higher Education shall administer the program, promulgate appropriate regulations, and request annual state appropriations for this purpose. All public and private nonproprietary postsecondary institutions accredited by the Commission on Colleges of the Southern Association of Colleges and Schools are eligible to participate in this program.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

§ 59–104–220. Governor's Professor of the Year Award established.

The Governor's Professor of the Year Award is established as follows:

(1) Each public or private institution of higher learning in this State is eligible to nominate one faculty member for this award who has demonstrated exceptional teaching performance.

(2) The Governor's office in conjunction with the Commission on Higher Education shall establish a committee to choose the Professor of the Year. The committee must consist of representatives of the Governor's office, the commission, and appropriate civic, business, government, and academic organizations.

(3) The award must include a citation and a payment of five thousand dollars. The Governor's office shall host an appropriate ceremony at which the award must be presented.

(4) The commission shall request annual state appropriations for the award.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

§ 59–104–230. Endowed professorships program.

The Commission on Higher Education shall request state funds and establish procedures to implement a program of endowed professorships at senior public institutions of higher learning to enable the institutions to attract or retain productive faculty scholars who are making or show promise of making substantial contributions to the intellectual life of the State.

Each professorship must be supported by the income from an endowment fund created especially for that purpose. Half of the corpus of each fund must be provided by the commission through this program, and half must be provided by the institution from private funds specifically donated for this purpose.

The State Treasurer shall establish a separate fund consisting of any funds appropriated for all endowed professorships plus accrued interest received. Any amount remaining in the established fund at the end of any fiscal year must be carried forward to the next fiscal year to be used for endowed professorships. Funds in the specified amounts to support each endowment may be transferred by the commission to each eligible institution.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

§ 59–104–240. Salary enhancement program for technical colleges and two-year campuses.

(A) The Commission on Higher Education shall request state funds by 1990 to implement a program to endow salary enhancements for outstanding faculty in technical colleges and two-year campuses of the University of South

Carolina. The purpose of the program is to enable the state's two-year college systems to retain and reward outstanding instructional personnel.

(B) The commission, in collaboration with the State Board for Technical and Comprehensive Education and the University of South Carolina, shall establish procedures to implement the program. Each salary enhancement must be supported by an endowment fund created especially for that purpose. Half of the corpus of each fund must be provided by the commission through this program, and half must be provided by the institution from private sources specifically donated for this purpose.

(C) The State Treasurer shall establish a separate fund consisting of any funds appropriated for all salary enhancements plus accrued interest received. Any amount remaining in the established fund at the end of any fiscal year must be carried forward to the next fiscal year to be used for salary enhancements. Funds in the specified amounts to support each salary enhancement may be transferred by the commission to each eligible institution.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

§ 59–104–250. Technical college libraries shall convert to computer-based automated system compatible with state library systems.

All libraries in the technical colleges in this State shall convert to a computer-based automated system that is compatible with existing state library systems and allows for appropriate networking with public colleges and universities if funds are appropriated for this purpose. The Commission on Higher Education shall request special appropriations to accomplish the conversion.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

§ 59–104–260. Commission shall encourage development of joint programs.

The Commission on Higher Education shall encourage the development of joint programs that take advantage of the strengths of the public colleges and universities and discourage the development of independent competitive programs. The programs must be developed through planning and cooperation among the institutions in both academic and nonacademic areas.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

ARTICLE 5

EXCELLENCE IN RESEARCH FOR ECONOMIC DEVELOPMENT

SEC.
59–104–410. Research Investment Fund created.
59–104–420. Criteria for use of fund.
59–104–430. Comprehensive reports to be made at the end of fiscal year.
59–104–440. Allocation of funds.

§ 59–104–410. Research Investment Fund created.

A Research Investment Fund is created to establish or expand research programs in public institutions of higher learning in this State which are related to the continued economic development of South Carolina. The fund must consist of appropriations to the State Commission on Higher Education which it allocates to the institutions for research. The funds must be apportioned among the three senior universities and the four-year colleges in a manner that takes into account the previous year's expenditures of externally generated funds for research by the institutions as reported to the commission. However, the commission may make exceptions to accommodate economic development opportunities in any area of the State.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

§ 59-104-420. Criteria for use of fund.

(A) The fund must be used for research which:

(1) has a direct, positive impact on economic development, education, health, or welfare in this State;

(2) has an existing base in faculty expertise, resources, and facilities;

(3) serves to improve the quality of undergraduate and graduate education for South Carolina citizens in accordance with the institutions' stated missions as given in the commission's master plan.

(B) The fund must not be used for capital construction projects.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

§ 59-104-430. Comprehensive reports to be made at the end of fiscal year.

At the end of each fiscal year, comprehensive reports must be made to the Commission on Higher Education on the expenditures of funds and the results realized from the research programs. At the end of two fiscal years and each fiscal year after that, the commission shall reexamine the process of appropriating funds for research and the results obtained from the expenditures and recommend changes and alterations in the funding of research by the State if the changes are considered advisable by the commission.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

§ 59-104-440. Allocation of funds.

(A) With the exception of the University of South Carolina, Clemson University, and the Medical University of South Carolina, institutions seeking financial support from the fund for research projects shall submit proposals to the commission for its review and approval.

(B) The portion of the fund allocated to the three senior universities excepted in subsection (A) must be distributed in a manner that takes into account the previous year's expenditures of externally generated funds for research which each university reported to the commission.

(C) No funds allocated under the provisions of this chapter nor matching funds received pursuant to terms of this chapter may be used to increase an institution's future years' formula funding as computed by the Commission on Higher Education.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

ARTICLE 7

IMPROVING ACCOUNTABILITY THROUGH PLANNING AND ASSESSMENT

59-104-610. Statewide planning system.
59-104-620. Advisory Council on Planning.
59-104-630. Individual planning process.

59-104-640. Prospectus for planning; statewide planning document; revisions.
59-104-650. Institutional effectiveness program.
59-104-660. State-supported institutions to establish procedures and programs to measure student achievement.

§ 59-104-610. Statewide planning system.

The State Commission on Higher Education shall maintain a statewide planning system to address strategic issues in public and private higher education. The system must focus upon the following goals to:

(1) identify future directions for higher education in South Carolina and recommend appropriate methods for meeting the resultant challenges;

(2) review major goals identified by the public and private institutions of higher learning in this State and ascertain their relationship to higher education in South Carolina;

(3) assure the maintenance and continued development of the quality of higher education in South Carolina;

(4) assure the maintenance and continued provision of access to and equality of educational opportunity in higher education in South Carolina.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

§ 59–104–620. Advisory Council on Planning.

(A) The Commission on Higher Education shall establish an Advisory Council on Planning to assist the commission and the institutions of higher learning in maintaining planning as a high priority.

(B) The advisory council shall report to the executive committee of the commission, which shall serve as the standing committee on planning for the commission.

(C) The advisory council shall submit to the executive committee of the commission its advice, reports, and draft plans.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

§ 59–104–630. Individual planning process.

The Commission on Higher Education shall ensure that each public institution of higher learning in this State maintains its individual planning process.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

§ 59–104–640. Prospectus for planning; statewide planning document; revisions.

(A) The chief executive officer of the Commission on Higher Education shall develop a prospectus for planning each year.

(B) In the initial year, the Advisory Council on Planning is responsible for developing a statewide planning document for submission to the commission.

(C) After the initial year and annually, the advisory council shall prepare revisions of the planning document for consideration by the commission. The revisions must conform to, but need not be limited to, the prospectus provided by the commission.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

§ 59–104–650. Institutional effectiveness program.

(A) The goals for maintaining an effective system of quality assessment by institutions of higher learning in South Carolina are to:

(1) assure that a system for measuring institutional effectiveness is in effect on every public college and university campus in this State;

(2) provide a vehicle for disseminating the results of outcome measurements to the constituents within the State;

(3) provide data relative to the effectiveness of each institution that can be used to initiate curriculum, programmatic, or policy changes within the institution.

(B) The process by which these goals must be attained is as follows:

(1) Each institution of higher learning is responsible for maintaining a system to measure institutional effectiveness in accord with provisions, procedures, and requirements developed by the Commission on Higher Education. The system for measuring institutional effectiveness must include, but is not limited to, a description of criteria by which institutional effectiveness is being assessed.

(2) As a part of South Carolina's statewide planning process, each institution shall provide the commission with an annual report on the results of its institutional effectiveness program.

(3) The commission shall prepare a report that must include results of institutional effectiveness, including student assessment programs. Information from private colleges and universities must be included for those institutions that voluntarily provide the information to the commission.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

§ 59–104–660. State-supported institutions to establish procedures and programs to measure student achievement.

(A) All state-supported institutions of higher learning shall establish their own procedures and programs to measure student achievement. The procedures and programs must be submitted to the Commission on Higher Education as part of the plan for measuring institutional effectiveness and must:

(1) derive from institutional initiatives, recognizing the diversity of South Carolina public colleges and universities, the tradition of institutional autonomy, and the capacity of faculty and administrators to identify their own problems and solve them creatively;

(2) be consistent with each institution's mission and educational objectives;

(3) involve faculty in setting the standards of achievement, selecting the measurement instruments, and analyzing the results;

(4) follow student progress through the curriculum, as appropriate;

(5) include follow-up of graduates.

(B) As part of their annual report on institutional effectiveness, all state-supported colleges and universities shall describe their progress in developing assessment programs and submit information on student achievement to the commission.

HISTORY: 1988 Act No. 629, § 1, eff June 7, 1988.

Degree-Granting Nonpublic Educational Institutions

		Beginning Section
ARTICLE 1.	General Regulatory Matters	59-46-10
ARTICLE 3.	Preservation of Student and Institutional Records	59-46-210

ARTICLE 1

GENERAL REGULATORY MATTERS

SEC.

59–46–10. Definitions.
59–46–20. Commission shall be licensing authority.
59–46–30. Promulgation of rules and regulations by commission; minimum standards.
59–46–40. License requirement; licensing standards; regulations relative to licensing standrds and amendment of licenses.
59–46–50. Administrative procedures to deny, revoke or suspend license.
59–46–60. Judicial review of license denial, revocation or suspension.
59–46–70. Restraining violations of chapter or rules and regulations; civil penalties.
59–46–80. Exemption of primary, middle and high schools.
59–46–90. Exemption of Bible institutions and theological schools.

§ 59–46–10. Definitions.

As used in this article:

(1) "Commission" means the State Commission on Higher Education.

(2) "Agency" means the State Commission on Higher Education.

(3) "Nonpublic educational institution" includes, but is not limited to, any educational entity that is wholly or partly located in or operating in this state and is not owned or operated in whole or in part by the State, that is maintained and operated as a school, institute, college, junior college, university or entity of whatever kind which furnishes or offers to furnish a degree as defined herein or which furnishes or offers to furnish instructions leading toward or prerequisite to a degree beyond the secondary level and which requires that in order to obtain a degree the recipient partially or satisfactorily completes appropriate courses or classes or laboratories or research studies in person or by correspondence. "Nonpublic educational institution" shall not include any degree granting school, institute, college, junior college, university or entity which was chartered by the Secretary of State before 1953.

(4) "Degree" includes, but is not limited to, any academic credential or designation such as associate, bachelor, master, doctor or fellow, whether earned or honorary, which signifies, purports or is generally taken to signify partial or satisfactory completion of the requirements of an academic, occupational, business or other program of study beyond the secondary school level. "Degree" shall not include a certificate or diploma without any academic

designation which may be used to signify partial or satisfactory completion of educational training oriented toward a specific occupation or skill taught in a program of study beyond the secondary school level.

(5) "Degree granting institution" includes, but is not limited to, any nonpublic educational institution awarding, selling, conferring, bestowing or giving or purporting to award, sell, confer, bestow or give a degree as defined in this chapter.

(6) "License" means an agency permit, approval or some similar form of written permission.

(7) "Person" means any individual, firm, partnership, association, organization, corporation, trust or other legal entity or combination thereof.

(8) "Entity" includes, but is not limited to, any person or group of persons.

HISTORY: 1977 Act No. 201 § 1; 1980 Act No. 307, § 14, eff Jan. 22, 1980.

Effect of Amendments—

The **1980** amendment eliminated colleges of chiropractic from the list of institutions which do not constitute "nonpublic educational institutions," within the meaning of item (3).

Research and Practice References—

15A Am Jur 2d, Colleges and Universities §§ 1, 2.
14 CJS, Colleges and Universities §§ 1, 2.

ALR and L Ed Annotations—

College's power to revoke degree. 57 ALR4th 1243.

ATTORNEY GENERAL'S OPINIONS

The term, nonpublic educational institution, defined in Act No. 201 of 1977 includes institutions which furnish a degree or instruction leading to a degree by means of televised or correspondence instruction, whether or not established within this State. 1980 Op Att'y Gen, No 80-2, p 12.

Act No. 201, Joint Acts and Resolutions of South Carolina, 1977, codified as § 59-46-10, *et seq.*, which provides for the licensing and regulation of certain nonpublic educational institutions is unconstitutional only in its application to nonpublic educational institutions established outside of South Carolina, and operating within the state by means of televised or correspondence instruction. 1982 Op Atty Gen, No 82-20, p 24.

§ 59-46-20. Commission shall be licensing authority.

The commission shall be the sole authority for licensing nonpublic educational institutions established in this State and for those established elsewhere to operate in or confer degrees in this State.

HISTORY: 1977 Act No. 201 § 2.

Research and Practice References—

15A Am Jur 2d, Colleges and Universities § 6.
14 CJS, Colleges and Universities § 3.

§ 59-46-30. Promulgation of rules and regulations by commission; minimum standards.

The commission shall prescribe rules and regulations for licensing nonpublic educational institutions which shall, among other things, specify the minimum standards required for a license to confer degrees. The standards shall include, but are not limited to, course offerings, adequate faculty, maintenance of records, adequate personnel and facilities and financial stability.

Any institution established in this State which is accredited by any association or organization recognized by the Council on Post-secondary Accreditation for conducting institutional or specialized accreditation or which is approved for teacher certification by the State Board of Education shall be considered to have given satisfactory evidence that the standards have been met. The rules and regulations shall provide for provisional licensing for one or more periods not to exceed two years each and for renewal of regular licenses at intervals not to exceed five years. The commission shall enforce all rules and regulations for licensing nonpublic educational institutions and shall revoke or suspend the license of any institution failing to comply with the minimum requirements for licensure.

HISTORY: 1977 Act No. 201 § 3.

Research and Practice References—
15A Am Jur 2d, Colleges and Universities § 6.
14 CJS, Colleges and Universities § 3.

§ 59–46–40. License requirement; licensing standards; regulations relative to licensing standrds and amendment of licenses.

No nonpublic educational institution established in this State has the authority to confer degrees upon any person in this State or elsewhere unless a license is first secured from the commission, and no nonpublic educational institution established elsewhere has the authority to operate in or confer degrees in this State unless a license is first secured from the commission. The commission shall approve through licensure the location of and programs offered by the institution. The commission shall prescribe regulations to amend a license if an institution desires to operate at a location or offer programs other than the location or programs approved by the commission. The commission may not license any institution to offer a program if the commission determines that the program adversely affects the goals of the commission's plan to eliminate segregation in public institutions of higher education. The commission shall prescribe regulations to make the determination.

HISTORY: 1977 Act No. 201 § 4; 1986 Act No. 481, eff June 10, 1986.

Effect of Amendment—
The **1986** amendment made grammatical changes and added the provisions relative to approval of programs through licensure, prescription of regulations as to amendment of licenses, and denial of licenses with respect to programs which adversely affect the goal of elimination of segregation in public institutions of higher education.

§ 59–46–50. Administrative procedures to deny, revoke or suspend license.

If the law requires the legal rights, duties or privileges of a person to be determined by an agency only after notice and an opportunity for an administrative hearing, the denial, revocation or suspension of a license to confer degrees shall be preceded by the following administrative procedure.

(1) Prior to a final agency proceeding to deny, revoke or suspend a license to confer degrees, the commission shall give to the person to be affected by its decision, notice by mail of facts and conduct which warrant its intended action and an opportunity to show compliance with the minimum requirements for licensure.

(2) In any final agency proceeding to deny a license to any person properly applying therefor, or to revoke or suspend the license of any licensee, the commission shall give the person to be affected by its intended action notice

and an opportunity for a hearing as provided in Sections 17 through 21 of Act 671 of 1976 concerning contested cases.

Unless the commission complies with the procedure specified in this section, except as provided and applicable in Sections 23(b) and 23(c) of Act 671 of 1976, no denial, revocation or suspension of a license to confer degrees shall be valid.

HISTORY: 1977 Act No. 201 § 5.

Editor's Note—

"Sections 17 through 21 of Act 671 of 1976" and "Sections 23(b) and 23(c) of Act 671 of 1976", referred to in this Code section, were repealed by 1977 Act No. 176 Article III § 2. For provisions identical to those of former Section 17, see now § 1-23-200; for provisions somewhat similar to those of former Section 18, see now § 1-23-320; for provisions substantially similar to those of former Section 19, see now § 1-23-330; for provisions identical to those of former Section 20, see now § 1-23-340; for provisions identical to those of former Section 21, see now § 1-23-350; for provisions identical to those of former Section 23, see now § 1-23-370.

§ 59–46–60. Judicial review of license denial, revocation or suspension.

Any person aggrieved by the final decision of the commission in refusing to issue a license or revoking or suspending a license previously granted, is entitled to the same judicial review under this article, as provided in Sections 23 through 24 of Act 671 of 1976 concerning contested cases.

HISTORY: 1977 Act No. 201 § 6.

Editor's Note—

"Sections 23 through 24 of Act 671 of 1976," referred to in this Code section, were repealed by 1977 Act No. 176 Article III § 2. For provisions identical to those of former Section 23, see now § 1-23-370; for provisions identical to those of former Section 24, see now § 1-23-380.

§ 59–46–70. Restraining violations of chapter or rules and regulations; civil penalties.

(1) Whenever it shall appear to the commission that any person is or has been violating any provisions of this article or any lawful rules or regulations promulgated hereunder, the commission shall request the Attorney General, the solicitor or any appropriate official officer having jurisdiction in the circuit or county in which the nonpublic educational institution or its agent is found, to bring a civil action to restrain such person from violating this article or any lawful rules or regulations promulgated hereunder, and for other appropriate relief. The action may be brought in the court of common pleas in the county in which the person resides, has his principal place of business, or conducts or transacts business. The courts may issue orders and injunctions to restrain and prevent violations of this article, and such orders and injunctions shall be issued without bond.

(2) If a court finds that any person is willfully violating or has willfully violated this article the commission, upon petition to the court, may recover a civil penalty of not exceeding five thousand dollars for each violation. Each degree granted by an institution without the required license is a separate violation for purposes of this section.

(3) The commission may bring a civil action against a person who violates the terms of an injunction issued under this section for a civil penalty of not more than fifteen thousand dollars. For purposes of this section, the court of common pleas issuing an injunction shall retain jurisdiction, and the cause shall be continued and in such cases the commission may petition for recovery of civil penalties.

(4) For purposes of this section, a willful violation occurs when the person committing the violation knew or should have known that his conduct was a violation of § 59–46–40.

HISTORY: 1977 Act No. 201 § 7.

§ 59–46–80. Exemption of primary, middle and high schools.

The provisions of this article shall not apply to primary schools, middle schools or high schools.

HISTORY: 1977 Act No. 201 § 7A.

§ 59–46–90. Exemption of Bible institutions and theological schools.

Provisions of this article shall not apply to Bible institutions or theological schools.

HISTORY: 1977 Act No. 201 § 8.

ARTICLE 3

PRESERVATION OF STUDENT AND INSTITUTIONAL RECORDS

SEC.

59–46–210. Definitions.
59–46–220. Institutional plan for retention and disposition of records.
59–46–230. Institution may be required to deliver records; disposal of records.
59–46–240. Fees.
59–46–250. Penalties.

§ 59–46–210. Definitions.

As used in this article:

(1) "Commission" means the South Carolina Commission on Higher Education.

(2) "Archive" means the South Carolina Department of Archives and History.

(3) "Nonpublic degree-granting institutions" includes, but is not limited to, any entity not owned or operated in whole or in part by the State that is maintained and operated as a school, institute, junior college, college, university, seminary, or educational entity of whatever kind which offers a degree or instruction leading toward or prerequisite to a degree beyond the secondary level.

(4) "Degree" includes, but is not limited to, any academic credential or designation such as associate, bachelor, master, doctor, or fellow, whether earned or honorary, which signifies satisfactory completion of the requirements of an academic, theological, occupational, business, or other program of study beyond the secondary school level. "Degree" does not include a certificate or diploma without any academic designation which may be used to signify partial or satisfactory completion of educational training oriented toward a specific occupation or skill taught in a program of study beyond the secondary school level.

(5) "Located in the State" means chartered, licensed, or otherwise legally authorized as having its base of operations in South Carolina but does not mean having its permanent base of operations outside of the State and operating in temporary locations in the State.

(6) "Records" means the permanent records or transcripts of all students, excluding disciplinary records, as well as institutional records of administrative, fiscal or legal value, or historical significance.

HISTORY: 1983 Act No. 16 § 1, eff March 25, 1983.

§ 59–46–220. Institutional plan for retention and disposition of records.

Any nonpublic degree-granting institution located in the State shall notify the Commission and the Archives prior to merger, consolidation, change of ownership, or dissolution of its plan to provide for the retention and disposition of records. The plan shall provide for the retention by the Archives or for the assignment of the records to another institution or agency willing to accept responsibility for their safety, maintenance, distribution, and, when appropriate, disposal.

HISTORY: 1983 Act No. 16 § 2, eff March 25, 1983.

Cross references—

As to the power of the Executive Directors of the Commission and the Archives to require an institution to deliver its records to the Archives for inventory, etc., see § 59–46–230.

§ 59–46–230. Institution may be required to deliver records; disposal of records.

If an institution cannot comply with the provisions of § 59–46–220, the Executive Directors of the Commission and the Archives may require the institution to deliver its records to the Archives for inventory, evaluation, and scheduling. The Commission may require the governing boards of the institutions to authorize student records or transcripts to be made from the permanent records transferred to the Archives, provided restricted records are maintained and access is allowed only when authorized in writing by the students or as otherwise required by law. Record disposal schedules for each institution must be approved by the Commission and the Archives as provided for records of state and local agencies in Chapter 1, Title 30 of the 1976 Code. No record may be disposed of without the approval of the Commission and the Archives. In case of a dispute over the disposal of any record of a defunct nonpublic, post-secondary educational institution, the decision of the State Budget and Control Board is final.

HISTORY: 1983 Act No. 16 § 3, eff March 25, 1983.

§ 59–46–240. Fees.

If the Archives becomes the depository for records of defunct institutions, it is authorized to assess and collect fees to duplicate and distribute the records, the proceeds of which must be deposited with the State Treasurer to be used as provided for in § 30–1–100 of the 1976 Code. The fees must be at the same rate charged for reproduction of public records in custody of the Archives.

HISTORY: 1983 Act No. 16 § 4, eff March 25, 1983.

§ 59–46–250. Penalties.

Any person in possession of a record who refuses or neglects within fifteen days after written request by the Executive Director of the Commission and the Executive Director of the Archives to deliver the records is guilty of a misdemeanor and upon conviction must be fined in an amount not to exceed five hundred dollars. In addition, the Executive Director of the Archives may apply by verified petition to the court of common pleas in the county of residence of the person withholding the records, and the court shall upon proper showing issue its order for delivery of the records to the Director.

HISTORY: 1983 Act No. 16 § 5, eff March 25, 1983.

Act #736

A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO LICENSING OF NONPUBLIC INSTITUTIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 976, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Be it enacted by the General Assembly of the State of South Carolina:

Regulations approved

SECTION 1. The regulations of the Commission on Higher Education, relating to Licensing of Nonpublic Institutions, designated as Regulation Document Number 976, and submitted to the General Assembly pursuant to the provisions of Article 1, Chapter 23, Title 1 of the 1976 Code, are approved.

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

In the Senate House the 2nd day of June
In the Year of Our Lord One Thousand Nine Hundred and Eighty-Eight.

Nick A. Theodore,
President of the Senate

Robert J. Sheheen,
Speaker of the House of Representatives

Approved the 3rd day of June, 1988.

Carroll A. Campbell, Jr.,
Governor

Proprietary Schools

Sec.
59-59-10. Short title.
59-59-20. Definitions.
59-59-30. Authority of State Board of Education.
59-59-40. Licenses or permits required; applications.
59-59-50. License fee; renewal of license; notice of change in course of instruction; sale of school.
59-59-60. Bond required.
59-59-70. Contracts and evidences of indebtedness void unless license has been issued.
59-59-80. Solicitors' permits.
59-59-90. Temporary licenses or permits.
59-59-100. Refusal, suspension or revocation of license or permit; appeals.
59-59-110. Rules and regulations; advisory committee.
59-59-120. Penalties.

§ 59-59-10. Short title.

This chapter may be cited as "The Proprietary School Act."

HISTORY: 1962 Code § 21-750; 1971 (57) 539.

§ 59-59-20. Definitions.

Unless otherwise indicated by the context, the following words and phrases when used in this chapter shall have the following meaning:

(1) *"Proprietary school"* means any person offering resident or correspondence courses to students upon the payment of tuition or fees.

(2) The definition of a proprietary school shall not include the following:

(a) A school or educational institution supported entirely or partly with State funds.

(b) A parochial or denominational school or institution or members of the South Carolina Independent School Association, Incorporated.

(c) A school or training program which offers instruction primarily in the field of an avocation, recreation, health, or entertainment, as determined by the State Board of Education.

(d) Courses of instruction or study sponsored by an employer for the training and preparation of its own employees.

(e) Courses of instruction or study sponsored by recognized trade, business, or professional organizations for the instruction of their members.

(f) Private colleges and universities which award an associate, baccalaureate, or higher degree.

(g) A school offering a program only for children twelve years of age or younger.

(h) A school which is regulated and licensed under an occupational licensing act of the State.

(i) Courses of instruction or study where the tuition charge does not exceed twenty-five dollars for the complete course of instruction.

(j) Private school offering courses of instruction to resident and/or day students of legal school age at the elementary and secondary level.

(3) *"Board"* means the South Carolina State Board of Education.

(4) *"Superintendent"* means the South Carolina State Superintendent of Education.

(5) *"Salesman," "agent,"* or *"solicitor"* means any person who, for remuneration, enrolls or seeks to enroll a resident of this State in courses of instruction or study offered by a proprietary school, or who otherwise holds himself out as representing a proprietary school for such purpose.

(6) *"Agent's permit"* means a nontransferable written authorization issued to a natural person, pursuant to the provisions of this chapter to solicit any resident of this State to enroll in courses of instruction or study offered by a proprietary school.

(7) "Course" means organized units of subject matter in which instruction is offered within a given period of time and for which credit is given toward completion of training toward a predetermined occupational, academic or educational objective.

HISTORY: 1962 Code § 21-750.1; 1971 (57) 539; 1975 (59) 231.

Cross references—

As to constitutional provision against incorporating educational institution by special law, see SC Const, Art 3, § 34.

As to driver training schools, see §§ 56-23-10 to 56-23-90.

ATTORNEY GENERAL'S OPINIONS

The State Board of Education has the legal authority to license and regulate real estate schools, assuming the school qualifies as a proprietary school under § 59-59-20, 1978 Op Att'y Gen, No 78-134, p 171.

§ 59-59-30. Authority of State Board of Education.

(a) The Board may license proprietary schools meeting the necessary standards and shall administer and enforce the provisions of this chapter. These standards shall include, but are not limited to course offerings, adequate facilities, financial stability, competent personnel, and legitimate operating practices.

(b) The Board shall formulate the criteria and standards for the approval of proprietary schools, provide for adequate investigation of all schools applying for licenses and issue licenses to those applicants meeting such standards and shall maintain a list of schools which have been issued licenses.

(c) The board shall formulate the standards for the approval of salesmen, agents or representatives of such schools and issue permits to those applicants meeting such standards.

HISTORY: 1962 Code § 21-750.2; 1971 (57) 539; 1975 (59) 231.

§ 59–59–40. Licenses or permits required; applications.

(a) No person shall operate or offer to operate a proprietary school or solicit the enrollment of students or otherwise represent the school or its program in any manner unless a license or a permit is first secured from the Superintendent.

(b) Applications for licenses shall be filed in the manner and on the forms prescribed and furnished by the Superintendent. Applications, properly verified, shall be signed by the applicants and shall contain such information as may be required.

(c) Any license issued shall be restricted to the programs of instruction or courses specifically indicated in the application for a license. The holder of a license shall present a supplementary application as may be directed by the Superintendent for approval of additional programs of instruction or courses in which it is desired to offer instruction during the effective period of the license.

HISTORY: 1962 Code § 21-750.3; 1971 (57) 539; 1975 (59) 231.

§ 59–59–50. License fee; renewal of license; notice of change in course of instruction; sale of school.

(a) The Board may set a reasonable license fee.

(b) Licenses shall be renewable annually on July first; *provided*, an application for renewal has been filed in the form and manner prescribed by the Superintendent and the renewal fee has been paid and that the school and its courses, facilities, faculty, and all other operations are found to meet the requirements for a school to secure an original license.

(c) After a license is issued, it shall be the school's responsibility to immediately notify the Superintendent of any change, as may affect significantly the course of instruction offered.

(d) In the event of the sale of a school, the license shall not be transferable.

HISTORY: 1962 Code § 21-750.4; 1971 (57) 539.

§ 59–59–60. Bond required.

Before the superintendent shall issue the license, the applicant shall execute a bond in an amount to be determined by the board but in no event shall the required bond be less than one thousand dollars, signed by a surety authorized to do business in this State, conditioned that the principal in the bond will comply with every contract entered into by the school, and will pay back to any student all amounts collected in tuition and fees in case of failure on the part of the applicant to obtain a license. The bond shall be filed with the superintendent and shall be submitted with the application for a license.

The surety on any such bond may be relieved of liability upon giving thirty days notice in writing to the board.

HISTORY: 1962 Code § 21-750.5; 1971 (57) 539; 1975 (59) 231.

§ 59-59-70. Contracts and evidences of indebtedness void unless license has been issued.

All contracts entered into by proprietary schools with students or prospective students, and all promissory notes, or other evidence of indebtedness taken in lieu of cash payments by such schools shall be void unless the schools have been issued a license as required by this chapter.

HISTORY: 1962 Code § 21-750.6; 1971 (57) 539.

§ 59-59-80. Solicitors' permits.

(a) No person representing a proprietary school shall solicit or sell any course unless he first secures a permit from the superintendent. All enrollment agreements, contracts, or promissory notes solicited from students or prospective students shall be void unless the agent has been issued a permit as required by this chapter. The application for a permit shall be accompanied by a fee to be set by the board but not to exceed ten dollars.

(b) Before the Superintendent shall issue a permit, the applicant shall execute a bond in the sum of one thousand dollars, signed by a surety authorized to do business in this State, conditioned to provide indemnification to any students suffering loss as a result of any fraud or misrepresentation used in procuring their enrollments.

(c) A permit shall be valid for one year, renewable annually on July first upon filing an application for renewal accompanied by such fee as may be required by the Board.

(d) No person shall be granted a permit unless he is of good moral character and the Board has investigated and is satisfied that the proprietary school, which employs the solicitor or salesman, meets the standards prescribed by the Board.

HISTORY: 1962 Code § 21-750.7; 1971 (57) 539; 1975 (59) 231.

§ 59-59-90. Temporary licenses or permits.

Any license or permit applied for pursuant to this chapter shall be granted or denied within fifteen days of the receipt of a complete application therefor; *provided, however,* a temporary license or permit may be issued if a determination to issue or deny cannot be made within the specified time limit.

Proprietary schools currently in operation shall be issued temporary licenses for a period not to exceed one hundred twenty days in order to give them time to obtain licenses as required by this chapter.

HISTORY: 1962 Code § 21-750.8; 1971 (57) 539.

§ 59-59-100. Refusal, suspension or revocation of license or permit; appeals.

The Board may refuse to issue or may suspend or revoke a license or permit but before doing so shall afford the applicant or license or permit holder an opportunity to be heard in person or by counsel. At least thirty days prior to the date set for the hearing the Board shall notify in writing the applicant or license or permit holder of the date of the hearing and the grounds for the action.

Any person may appeal from the decision of the Board within thirty days after the filing of the decision to the court of common pleas of the county in which the school is located or the county in which the person aggrieved is a resident.

HISTORY: 1962 Code § 21-750.9; 1971 (57) 539.

§ 59–59–110. Rules and regulations; advisory committee.

The Board may adopt such rules and regulations as may be necessary for the administration and enforcement of this chapter, and may establish an advisory committee of owners or operators of proprietary schools and of other persons with knowledge in the fields to which this chapter applies, to advise in its administration.

HISTORY: 1962 Code § 21-750.10; 1971 (57) 539.

§ 59–59–120. Penalties.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days. Each day's violation shall constitute a separate offense.

HISTORY: 1962 Code § 21-750.11; 1971 (57) 539.

PUBLICIZING, SELLING COURSES OF INSTRUCTION

Sec.
59–61–10. Legislative declaration of purpose.
59–61–20. "Course" defined.
59–61–30. Exemptions.
59–61–40. Prohibited acts.
59–61–50. Permits.
59–61–60. Rules and regulations; advisory committee.
59–61–70. Enforcement.
59–61–80. Judicial review of issuance, denial or revocation of permit.
59–61–90. Penalties.

§ 59–61–10. Legislative declaration of purpose.

It is hereby recognized and declared that the publicizing, selling and administering of most courses of instruction, whether given in residence or by mail, proceeds in accordance with acceptable practices and with consequent and important benefits to students pursuing such courses. It also is recognized that the benefits received from such instruction and the protection of those persons and institutions offering it should be furthered. It is the purpose of this chapter to supplement the general law of fraud so as to provide adequate protection for students, educational institutions and the general public.

HISTORY: 1962 Code § 21-741; 1968 (55) 2702.

§ 59–61–20. "Course" defined.

As used in this chapter:

The term *"course"* means any course, plan or program of instruction, whether conducted in person, by mail or by any other method.

HISTORY: 1962 Code § 21-742; 1968 (55) 2702.

§ 59–61–30. Exemptions.

This chapter shall not apply to any course:

(a) Recognized by the State Department of Education, hereinafter called the Department, for purposes of complying in whole or in part with the compulsory State school attendance law,

(b) Offered by an educational institution accredited by the applicable national or regional accrediting agency recognized by the State Department of Education or the United States Office of Education,

(c) Offered by an educational institution approved by the Department, or

(d) Offered by an employer solely to his employees as part of an in-service training program.

HISTORY: 1962 Code § 21-743; 1968 (55) 2702.

ATTORNEY GENERAL'S OPINIONS

Use of correspondence courses does not, alone, constitute a school under compulsory school attendance laws. 1984 Op Atty Gen, No. 84-12, p. 42.

§ 59-61-40. Prohibited acts.

No person shall:

(a) Make, or cause to be made, any statement or representation, oral, written or visual, in connection with the offering or publicizing of a course, if such person knows or reasonably should have known the statement or representation to be false, deceptive, substantially inaccurate or misleading,

(b) Promise or guarantee employment utilizing information, training or skill purported to be provided or otherwise enhanced by a course, unless the promisor or guarantor offers the student or prospective student a bona fide contract of employment agreeing to employ the student or prospective student for a period of not less than ninety days in a business or other enterprise regularly conducted by him and in which such information, training or skill is a normal condition of employment, or

(c) Do any act constituting part of the conduct or administration of a course, or the obtaining of students therefor, if such person knows or reasonably should know that any phase or incident of the conduct or administration of the course is being carried on by the use of fraud, deception or other misrepresentation or by any person soliciting students without a permit.

HISTORY: 1962 Code § 21-744; 1968 (55) 2702.

§ 59-61-50. Permits.

(a) No person representing any school or other individual or organization offering courses in this State, or from a place of business in this State, shall sell any course of solicit students therefor in this State for a consideration or remuneration unless he first secures a permit from the Department. If the agent represents more than one school, a separate permit shall be obtained for each school represented by him. Upon approval for a permit the Department shall issue a pocket card to the person whose name appears, giving his name and address, the name and address of his employing school and certifying that the person whose name appears on the card is an authorized agent of the school. The application for a permit shall be made on forms to be furnished by the Department and shall be accompanied by a fee of five dollars and a surety bond acceptable to the Department in the penal sum of one thousand dollars. Such bond may be continuous and shall be conditioned to provide indemnification to any student suffering loss as a result of any fraud or misrepresentation used in procuring his enrollment, and may be supplied by the representative of a privately-owned school or by the school itself as a blanket bond covering each of its representatives in the amount of one thousand dollars. A permit shall be valid for one year from the date on which it was issued. The liability of the surety on such bond for each representative covered thereby shall in no event exceed the sum of one thousand dollars as an aggregate for any and all students for all breaches of the conditions of the bond by such representatives. The surety of any such bond may cancel it upon giving thirty days notice in writing to the Department and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of the cancellation. An application for renewal shall be accompanied by a fee of five dollars and a surety bond as provided in this paragraph, if a continuous bond has not been furnished. All fees collected for the issuance or renewal of such permits shall be deposited in the State Treasury to the credit of the general fund.

(b) No person representing a school or other organization offering courses, which school or other organization is located outside this State, shall sell any course or solicit students therefor in this State for a consideration or remuneration unless he first secures a permit from the Department in the manner and on the terms provided in paragraph (a) of this section.

(c) Any permit applied for pursuant to paragraph (a) or (b) of this section shall be granted or denied within fifteen days of the receipt of the application therefor by the Department. If the Department has not completed its determination with respect to the issuance of a permit pursuant to this section within such fifteen day period, it shall issue a temporary permit to the applicant, which permit shall be sufficient to meet the requirements of this chapter until such time as such determination is made.

(d) Any permit issued may, upon ten days' notice and after a hearing, be revoked by the Department if the holder of the permit solicits or enrolls students through fraud, deception or misrepresentation or upon a finding that the permit holder is not of good moral character.

(e) The fact that a bond is in force pursuant to paragraph (a) or (b) of this section shall not limit or impair any right of recovery otherwise available pursuant to law, nor shall the amount of such bond be relevant in determining the amount of damages or other relief to which any plaintiff may be entitled.

(f) No recovery shall be had on any contract for or in connection with a course by any person selling or administering such course if the representative of such person was not the holder of a permit as required by this section at the time that such representative negotiated the contract for or sold such course.

(g) The issuance of a permit pursuant to this section shall not be deemed to constitute approval of any course or the person or institution offering, conducting or otherwise administering it. Any representation contrary to this paragraph or tending to imply that a permit issued pursuant to this section constitutes such approval shall be misrepresentation within the meaning of this chapter.

(h) No permit shall be issued pursuant to this section to any person found by the Department to be not of good moral character.

HISTORY: 1962 Code § 21-745; 1968 (55) 2702.

§ 59–61–60. Rules and regulations; advisory committee.

The Department is authorized to adopt rules and regulations for the administration and enforcement of § 59–61–50, and may establish an advisory committee of owners or operators of institutions to which this chapter applies and of other persons with knowledge in the fields to which this chapter applies, to advise it in its administration.

HISTORY: 1962 Code § 21-746; 1968 (55) 2702.

§ 59–61–70. Enforcement.

The Attorney General, at the request of the Department or on his own motion, may bring any appropriate action or proceeding in any court of competent jurisdiction for the enforcement of this chapter.

HISTORY: 1962 Code § 21-747; 1968 (55) 2702.

§ 59–61–80. Judicial review of issuance, denial or revocation of permit.

Any action of the Department respecting the issuance, denial or revocation of a permit pursuant to § 59–61–50 shall be subject to judicial review by the court of common pleas.

HISTORY: 1962 Code § 21-748; 1968 (55) 2702.

§ 59–61–90. Penalties.

Any act or omission in violation of this chapter shall be a misdemeanor and the violator, upon conviction, shall be subject to a fine of not to exceed five hundred dollars, a term of imprisonment not to exceed ninety days, or both such fine and imprisonment.

HISTORY: 1962 Code § 21-749; 1968 (55) 2702.

§ 59–53–10. State Board for Technical and Comprehensive Education created; members; terms; rules and regulations; contracts.

There is hereby created the State Board for Technical and Comprehensive Education (Board) as a continuing body and agency and instrumentality of the State. The Board shall consist of ten members, appointed by the Governor for terms of six years and until successors are appointed and qualify. One member must be appointed from each congressional district, with the advice and consent of the legislative delegations of the congressional district involved, and be a resident thereof. There must be four at-large members appointed by the Governor, one of whom must be experienced in the policy development of secondary vocational education and adult basic and adult secondary education and one of whom must be experienced in the policy development of federal job training programs. The initial terms of office of Board members representing congressional districts are for a period of years corresponding to the numerical designation of their respective districts. The initial terms of office of the first at-large members of the Board are for three and six years determined by lot and the initial term of the at-large member experienced in the policy development of secondary vocational education and adult basic and adult secondary education is three years and the initial term of the at-large member experienced in the policy development of federal job training programs is six years. In addition, the State Superintendent of Education and the Executive Director of the State Development Board shall serve as ex officio members of the Board. The chairman must be elected by the Board. In case a vacancy shall occur a member must be appointed in the same manner for the remainder of the unexpired term. The Board shall enter into contracts and make regulations, including policies and guidelines, as considered necessary to fulfill the intent of this §§ 59-53-10 through 59-53-70, subject to the approval of the General Assembly.

HISTORY: 1976 Act No. 654 § 1; 1986 Act No. 394, § 4, eff April 29, 1986.

Editor's Note—

1979 Act No. 194, Part III, Section 7 provides: "Notwithstanding the provisions of Act 565 of 1978 or any other provision of law, if any area technical college constructs additional dining, vending or canteen facilities which at least double the size of the present facilities, by the issuance of bonds, such facilities shall be under the management and control of such area technical college. The provisions of this section shall expire January 1, 1980."

Effect of Amendments—

The **1976** amendment struck the former last sentence of this section and substituted three new sentences therefor.

The **1986** amendment made grammatical changes, raised the number of Board members from 8 to 10, raised the number of at-large members from 2 to 4, added the provisions relative to at-large members experienced in particular areas of policy development, substituted "first at-large members of the Board" for "at-large members" in the provision relative to length of initial terms, and deleted a provision relative to the terms of members serving on June 17, 1976.

Cross references—

As to membership of the Chairman of the State Board for Technical and Comprehensive Education on the South Carolina Coordinating Council for Economic Development, see § 41-45-10.

As to the meaning of the term "unserved or underserved persons or clients", when used in this chapter, see § 59-54-10.

§ 59–53–20. Jurisdiction and authority of Board over state-supported technical institutions and programs; South Carolina Technical Education System.

The State Board for Technical and Comprehensive Education shall have within its jurisdiction, in accordance with the provisions of this article, all state-supported technical institutions and their programs that are presently operating and any created in the future.

The State Board for Technical and Comprehensive Education shall have approval or disapproval authority over all post-secondary vocational, technical, and occupational diploma and associate degree programs financed in whole or in part by the State that lead directly to employment. Excepted are programs presently being offered by other state-supported institutions of higher learning which shall continue their present programs under the direction of their respective institutions. The Board shall continue major emphasis on the special schools program, which provides training for prospective employees for new and expanding industry, these programs to be closely coordinated with the state's economic development efforts.

The State Board of Education shall continue jurisdiction over currently operating licensed practical nurse (LPN) programs and twelve-month vocational agriculture programs which include adult training in agriculture in the public schools and these programs are subject to the requirements of §§ 59-54-40, 59-54-50, and 59-54-60.

All courses, programs, and institutions within the jurisdiction of the State Board for Technical and Comprehensive Education must be identified and administered as the South Carolina Technical Education System.

The State Board for Technical and Comprehensive Education shall have the responsibility for developing and maintaining short and long-range plans for providing up-to-date and appropriate occupational and technical training for adults and shall coordinate its planning activities with the Economic Development Coordinating Council, the State Council on Vocational-Technical Education, the Commission on Higher Education, the State Department of Education, the Employment Security Commission, and other state agencies, institutions, and departments.

All personnel employed in the institutions and programs within the jurisdiction and control of the State Board for Technical and Comprehensive Education are designated state employees whether paid in whole or in part by state funds and are subject to the regulations, guidelines, and policies of the State Board for Technical and Comprehensive Education, the Budget and Control Board, and the state personnel system. There may be no local supplements to any salaries. The State Board for Technical and Comprehensive Education shall establish salary ranges for unclassified institutional employees based upon minimum standard systemwide qualification criteria. Area commissions will fill all positions with qualified personnel.

HISTORY: 1976 Act No. 654 § 2; 1976 Act No. 709 Part II § 3; 1986 Act No. 394, § 7, eff April 29, 1986.

Editor's Note—

Although this section was amended twice in 1976, as it appears in this supplement this section reflects the changes of the first amendment.

Effect of Amendments—

The first **1976** amendment substituted "state-supported technical" for "two-year, State-supported, post-secondary" in the first sentence of the first paragraph, deleted the second sentence of that paragraph, deleted the second paragraph, and added four new paragraphs.

The second **1976** amendment, without reference to the earlier amendment, deleted the second paragraph of this section as it appears in the parent volume.

The **1986** amendment made grammatical changes; substituted "State Board for Technical and Comprehensive Education" for "Board" wherever the word "Board" had formerly appeared; substituted "this article" for what had appeared as "§§ 59-53-10 through 59-53-70" in the first paragraph, as codified; added the provisions relative to the continuing jurisdiction of the State Board of Education with respect to LPN and vocational agriculture programs; and, in the fifth paragraph, substituted "providing up-to-date and appropriate occupational and technical training for adults" for "the South Carolina Technical Education System" and revised the list of agencies with which planning activities must be coordinated.

§ 59-53-30. Open admissions; tuition and fees; literacy and vocational programs; parallel programs.

Institutions of the South Carolina Technical Education System shall maintain open admissions policies unless determined to be economically unfeasible by the Budget and Control Board and establish and maintain low tuition and fees in order to provide access to post-secondary education and insure that such educational opportunities shall not be denied to anyone.

Upon request and justification and with the approval of the State Board of Education, the Board may authorize an institution within its jurisdiction to contract with local school districts to offer adult literacy courses and programs and secondary-level vocational courses and programs.

Upon request and justification and with the approval of the Commission on Higher Education, the Board may authorize an institution within its jurisdiction to offer two-year college parallel programs. The Commission on Higher Education shall approve all criteria for college parallel courses.

HISTORY: 1976 Act No. 654 § 3.

Effect of Amendments—

The **1976** amendment substantially revised this section.

§ 59-53-40. Coordination with Commission on Higher Education and others; budget; college parallel courses and associate degree programs.

The Board and local area commissions shall insure effective coordination with the public schools, other state agencies, literary councils, and private and nonprofit training organizations to maximize opportunities to best meet local education and training needs. The Board shall maintain effective coordination with the Commission on Higher Education and other educational boards and state agencies.

The Board is required to submit to the Commission on Higher Education a budget and enrollment documentation for all existing and proposed college parallel courses or associate degree programs with college transfer credit by institutional location for review and comment prior to submission of the Board's total state budget request to the State Budget and Control Board.

All college parallel courses or associate degree programs are subject to the approval or termination by the Commission on Higher Education.

HISTORY: 1976 Act No. 654 § 4; 1986 Act No. 394, § 8, eff April 29, 1986.

Effect of Amendments—

The **1976** amendment substantially revised this section.

The **1986** amendment made grammatical changes, added provisions relative to coordination with public schools, other state agencies, literary councils, and private and nonprofit training organizations, and deleted a provision relative to service by the Chairman of the Board as an ex officio member of the Commission on Higher Education.

Cross references—

As to the State Budget and Control Board, see §§ 1-11-10 et seq.

As to the Commission on Higher Education, generally, see §§ 59-103-10 et seq.

All college parallel courses and all associate degree programs provided by the State Board for Technical and Comprehensive Education are subject to the approval or termination of the Commission on Higher Education. 1975–76 Op Atty Gen, No 4460, p 319.

§ 59–53–50. Additional powers and duties of Board.

The Board shall:

(1) be responsible for the state-level development, implementation, coordination, and operation of an adequate and high quality post-high school vocational, technical, and occupational diploma and associate degree courses, programs, and adult short-term training programs and courses financed in whole or in part by state funds; such courses and programs to be characterized by a continuing strong emphasis on the employment needs of the State, the communities, and people of South Carolina;

(2) establish criteria for and approve the awarding of certificates, diplomas, and associate (but not baccalaureate) degrees to students who successfully complete authorized and prescribed courses and programs of study and training;

(3) participate in the various programs of federal aid to public, post-secondary, two-year institutions, and to the students therein;

(4) accept and administer donations of funds, grants, real property, or equipment from individuals, corporations, foundations, and governmental bodies;

(5) establish a minimum and maximum tuition fee with the approval of the area commissions. Any fees charged above or below this established fee schedule shall require the approval of the Board and the appropriate area commissions;

(6) require accountability for and maintain inventory records over all donated equipment, all real property, and equipment in the South Carolina Technical Education System which is purchased by or for the institutions and programs regardless of source of funds. All inventory records shall identify sources of funds and ownership of all items;

(7) establish criteria for the justification of a new facility or the modification of existing facilities. No new facilities or modification of existing facilities shall occur without the approval of the area commission and the Board, and the location of any such new facility or modification of an existing facility in a particular county is subject to the approval of a majority of the members of the area commission from that county;

(8) employ an executive director and such other personnel as may be necessary for the Board to fulfill its duties and responsibilities;

(9) file reports on its activities annually, with such recommendations as may be appropriate, to the Governor and General Assembly;

(10) continue the special schools training program for new and expanding industry and business, closely coordinated with the state's economic development efforts;

(11) accept and administer federal funds provided to the State through the Job Training Partnership Act or succeeding programs;

(12) in accordance with memoranda of agreement with the South Carolina State Board of Education, beginning with the 1986-87 school year, accept and administer federal funds allocated to the State and required to be used for adult vocational training and retraining;

(13) assure leadership in education and training among state agencies in aiding businesses and industries faced with the curtailment or the reduction of their work force and assist displaced employees and welfare recipients in assessing their educational needs and providing education and training to meet those needs.

HISTORY: 1976 Act No. 654 § 5; 1986 Act No. 394, § 9, eff April 29, 1986.

Editor's Note—

Section 7 of 1986 Act No. 347 provides as follows:

"Upon the effective date of this act, the Budget and Control Board is directed to transfer from the State Board for Technical and Comprehensive Education to the Division of State Fire Marshal such funds and positions authorized and appropriated in the 1986-87 General Appropriations Act for the operation of the South Carolina Fire Academy and any other equipment, materials, or other assets as may be appropriate. The Budget and Control Board shall also transfer the merit increment allocations for the transferred Fire Academy personnel.

All records, property, and positions related to the operation of the South Carolina Fire Academy must be transferred from the State Board for Technical and Comprehensive Education to the State Fire Marshal on the effective date of this section.

In order to provide for an orderly transition, the organizations named in this section shall coordinate the transfer of personnel, resources, and functions in a manner to effect the formal transfer of administrative duties for the operation of the South Carolina Fire Academy as soon as practical from the date this act is approved by the Governor."

Effect of Amendments—

The **1976** amendment substantially revised this section.

The **1986** amendment made grammatical changes; added, in item (1), "and adult short-term training programs and courses"; and added items (11)-(13).

Cross references—

As to provision that the Division of State Fire Marshal of the Budget and Control Board shall have sole responsibility for operation of the South Carolina Fire Academy, see § 23-10-10.

As to the role of the State Board for Technical and Comprehensive Education in the development and operation of a statewide Work Support Services Delivery System for public assistance recipients, see § 43-5-550.

As to provision that the Beaufort Technical College Area Commission has the same powers as provided by this article, see § 59-53-930.

Federal Aspects—

As to provisions of the Job Training Partnership Act, see 29 USCS §§ 1501 et seq.

ALR and L Ed Annotations—

Designation of service delivery area, under 29 USCS § 1511, for purpose of apportioning Job Training Partnership Act funds. 73 ALR Fed 858.

ATTORNEY GENERAL'S OPINIONS

There appears to be no specific authority for either the Trident Technical College or Trident and the State Board as a coapplicant under Section 59-53-90, acting together, to grant a mortgage on the Palmer Campus property to EDA. There appears to be no authority for Trident Technical College or any other governmental entity to provide to EDA a lien on the film training equipment to be purchased by EDA funds. 1987 Op Att'y Gen, No. 87-38, p 102

§ 59–53–51. Board to establish statewide policies and procedures; appeal by area commission to Budget and Control Board.

The Board shall establish statewide policies and procedures necessary to insure educational and financial accountability for operation of the technical education institutions and their programs.

The area commissions shall participate and provide input in the formulation of statewide policies and procedures through joint meetings, distribution of discussion documents and position papers, joint committees, service by area commission members on state board standing committees, and whatever other means which may be necessary or desirable.

The area commissions are delegated primary responsibility for local governance and supervision of the individual institutions in compliance with all state laws by adoption of appropriate local policies and procedures which are consistent with state-level policies and procedures.

Institutional fees and locally appropriated county funds must be retained in accounts held by the area commissions for expenditure under their direction in accordance with all applicable state and other laws.

An area commission has the right to appeal to the Budget and Control Board any final decision or action of the Board in accordance with the following procedures:

(1) if differences occur between the state executive director and the local president, the executive director, local president, and state board congressional district member or a designated at-large Board member shall appear before the local area commission to resolve the differences;

(2) if the differences are not resolved as outlined in item (1) the area commission chairman, local president, and state executive director shall appear before the Board to resolve the differences;

(3) if the differences are not resolved by the Board all parties, including the chairman of the Board, shall appear before the Budget and Control Board to resolve the differences.

HISTORY: 1976 Act No. 654 § 6; 1988 Act No. 676, § 1, eff June 27, 1988.

Effect of Amendment—

The 1988 amendment made grammatical changes and added a paragraph providing that institutional fees and locally appropriated county funds must be retained in accounts held by the area commissions for expenditure under their direction.

Cross references—

As to provision that the Beaufort Technical College Area Commission must be funded in accordance with the provisions of this section, see § 59-53-930.

§ 59–53–52. Powers and duties of area commissions, generally.

The area commissions shall:

(1) Adopt and use a corporate seal;

(2) Adopt such bylaws, rules and regulations for the conduct of business and the expenditure of their funds as they may deem desirable;

(3) Acquire sites and construct and equip thereon appropriate facilities in accordance with item (7) of § 59–53–50; all real property is the possession of the area commission regardless of the source of funds for its purchase or construction, except for those campuses currently owned by the State. All personal property purchased with local funds is the possession of the area commission;

(4) Acquire by gift, purchase or otherwise all kinds and descriptions of real and personal property;

(5) Accept gifts, grants, donations, devises and bequests;

(6) Provide appropriate supervision of the maintenance of any facility established to promote post-secondary vocational, technical and comprehensive education;

(7) Exercise responsibility for the operation, maintenance and improvement of institutional facilities;

(8) Employ the institutional chief administrative officer from a list of at least three candidates recommended by a committee consisting of the chairman of the area commission or designated commission member, the chairman of the Board or designated State Board member and one area president appointed by the two aforementioned persons;

(9) Employ such other personnel as may be deemed necessary;

(10) Establish, promulgate and enforce reasonable rules and regulations for the operation of their facilities;

(11) Operate their affairs on a fiscal year beginning on July first each year and ending June thirtieth of the succeeding calendar year;

(12) Expend any funds received in any manner consistent with their approved budget and in accordance with the purposes for which the funds were made available including the proceeds derived from any bonds issued by the county or counties to defray any costs incident to the establishment of adequate facilities for the program and thereafter to expend such funds for the operation, maintenance and improvement of the facilities;

(13) Exercise the right of eminent domain in the geographical area served by each respective institution;

(14) Apply for, receive and expend moneys from all state, local and federal governmental agencies;

(15) Keep full and accurate accounts of receipts and expenditures and make monthly reports in accordance with uniform procedures established for the system, and within ninety days following the close of the fiscal year cause a complete audit of institutional affairs to be made by an independent certified public accountant with copies of the audit report and related documents to be delivered concurrently to the area commission and the Board. The area commission shall make copies available to legislative delegations or county governing bodies participating in the funding of the institution;

(16) Prepare and submit budgets for review by the county governing bodies participating in the funding of the individual institutions and to the Board for approval in accordance with the methods and procedures established by each of the bodies or agencies involved. Local tax revenue budgets shall require the approval of the county governing bodies;

(17) Award certificates, diplomas and associate (but not baccalaureate) degrees to students who successfully complete authorized and prescribed courses and programs of study and training;

(18) Exercise such other powers as may be provided for them by the legislation which established and regulates the particular area commission.

Except as otherwise provided herein, area commissions of the technical institutions existing on June 17, 1976, shall continue as presently constituted and as provided for by the legislation establishing the respective commissions.

HISTORY: 1976 Act No. 654 § 6.

Cross references—

As to provision that the Beaufort Technical College Area Commission must be funded in accordance with the provisions of this section, see § 59-53-930.

§ 59–53–53. Borrowing by area commissions; special fees.

The area commission of any technical education institution under the jurisdiction of the South Carolina technical education system may borrow for capital improvements from a federal or other lending agency an amount not to exceed its ability to repay the loan through the imposition of a special fee. The terms of the loan may not exceed forty years. An area commission may issue covenants, enter into mortgages, and grant liens limiting the sale or use of certain parcels of real or personal property in its possession when required as a condition of accepting a grant, loan, or donation for specified capital improvement projects. Local area commissions may dispose of real property that is surplus to their needs upon prior approval of the State Board for Technical and Comprehensive Education, the Budget and Control Board, and the Joint Bond Review Committee. Proceeds from the sale of such property must be deposited in the capital improvement account and expended by the local institution in accordance with all applicable state and other laws.

To amortize the loan, a special fee must be imposed within the limits established by the state board, the proceeds of which must be deposited in a special account to be used for payment of the loan in accordance with the terms negotiated by the commission and the lender. No funds other than the revenue from the special fee may be pledged for payment of the loan.

HISTORY: 1978 Act No. 646 § 6, eff July 25, 1978; 1988 Act No. 676, § 2, eff June 27, 1988.

Effect of Amendment—

The **1988** amendment made grammatical changes and added at the end of the first paragraph language providing that an area commission may issue covenants, enter into mortgages, and grant liens limiting the sale or use of certain parcels of real or personal property in its possession when required as a condition of accepting a grant, loan, or donation for specified capital improvement projects.

§ 59-53-57. State funding; use of monies appropriated for short-term and innovative training; creation and membership of Private Job Training Review Committee.

State funds for the South Carolina Technical Education System must be appropriated to the Board by the General Assembly and funds budgeted for the technical institutions must be allocated in a uniform and equitable manner. Monies appropriated for special schools must be retained at the state level and expended upon recommendation of the Board. The Board and all institutions under its direction shall use prescribed statewide accounting and budgeting systems which shall account for all revenues and expenditures regardless of sources of funds and purposes for which expended. The systems shall include provisions to identify specific revenues with the specific expenditures to which they relate when the fund source so requires.

The board and institutions are eligible to receive state funds for capital facilities. Prior to the withdrawal of authorized funds from the State Treasurer, the State Board for Technical and Comprehensive Education shall obtain and transmit to the State Treasurer a certificate from the appropriate official at the technical institution stating that a minimum of twenty percent of each project cost has been provided by the local support area. The provisions of this paragraph do not apply to Denmark and Beaufort Technical Colleges.

Monies appropriated for short-term and innovative training must be used to provide short-term skill training and innovative, collaborative training utilizing the technical education system and vocational education system, for retraining displaced workers and farmers, for upgrading employees to handle changes in their jobs, and for training the unemployed. A Private Job Training Review Committee is hereby created to provide advice on plans for the utilization of short-term adult funds. The Committee consists of seven members, three appointed by the Governor, two by the State Board of Education, and two by the State Board for Technical and Comprehensive Education. The members must be appointed from the private sector.

These members so appointed shall serve for terms of three years and until their successors are appointed and qualify; provided, that of those members first appointed, two shall serve initial terms of one year each, two shall serve initial terms of two years each, and three shall serve initial terms of three years each, the initial term of each member to be determined by lot at the first meeting of the committee. Vacancies must be filled by appointment for the remainder of the unexpired term in the same manner of original appointment. The members of the committee shall elect a chairman and those other officers as they consider necessary. Two existing persons assigned from the Department of Education and two existing persons assigned from the State Board for Technical and Comprehensive Education shall provide an operational staff for the Private Job Training Review Committee during the interim between meetings.

HISTORY: 1976 Act No. 654 § 6; 1986 Act No. 394, § 10, eff April 29, 1986; 1988 Act No. 638, § 10, eff June 3, 1988.

Editor's Note—

This section, formerly § 59-53-53, was renumbered in 1978 at the direction of the Code Commissioner.

Effect of Amendments—

The **1986** amendment made grammatical changes and added the second and third paragraphs.

The **1988** amendment inserted a new second paragraph relating to capital facilities.

Cross references—

As to powers of Denmark Technical College Area Commission and requirement that it prepare and submit its annual budget for approval to the State Board of Technical and Comprehensive Education, see § 59-53-630.

As to provision that the Beaufort Technical College Area Commission must be funded in accordance with the provisions of this section, see § 59-53-930.

§ 59-53-60. Repealed by 1976 Act No. 654 § 8.

Cross references—
As to annual reports by the Board, see now § 59-53-50.

§ 59-53-70. Branches of University of South Carolina.

All four-year and three-year branches of the University of South Carolina shall continue to exist as branches of the University of South Carolina and three-year branches may add the fourth year upon approval of the Board of Trustees of the University of South Carolina.

HISTORY: 1976 Act No. 654 § 7.

Effect of Amendments—
The 1976 amendment substantially revised this section.

§ 59-53-80. Transfer of control and management of certain area trade schools from State Board of Education to State Board for Technical and Comprehensive Education.

Effective July 1, 1969, the control and management of the area trade schools now located in Lexington, Bamberg and Beaufort Counties shall be transferred from the State Board of Education to the State Board for Technical and Comprehensive Education, as successor to the Advisory Committee for Technical Training. The Board shall merge and/or consolidate the trade schools into its system of local technical education centers in such manner as, in its opinion, will best serve the educational objectives of the technical training program; *provided,* that high school level vocational programs shall continue to be offered to students in the high schools of the area.

HISTORY: 1962 Code § 21-704; 1969 (56) 444.

Cross references—
As to assumption of assets and liabilities of Advisory Committee for Technical Training by State Board for Technical and Comprehensive Education, see § 59-53-40.

§ 59-53-90. Applications for Federal funds.

Applications for Federal funds for technical training or for financing construction of technical training centers shall be made by the State Board for Technical and Comprehensive Education and by the Governor on behalf of the State as a coapplicant along with the Board when such applications are required by the funding agency.

HISTORY: 1962 Code § 21-704.1; 1971 (57) 123.

Cross references—
As to assumption of assets and liabilities of Advisory Committee for Technical Training by State Board for Technical and Comprehensive Education, see § 59-53-40.

ATTORNEY GENERAL'S OPINIONS

There appears to be no specific authority for either the Trident Technical College or Trident and the State Board as a coapplicant under Section 59-53-90, acting together, to grant a mortgage on the Palmer Campus property to EDA. There appears to be no authority for Trident Technical College or any other governmental entity to provide to EDA a lien on the film training equipment to be purchased by EDA funds. 1987 Op Att'y Gen, No. 87-38, p 102.

§ 59–53–100. Expenditure of net funds derived from auxiliary enterprises in institutions under supervision of Board; limitations.

All net funds derived from auxiliary enterprises in any institution under the supervision of the State Board for Technical and Comprehensive Education shall be expended by the institution subject to the following limitations: up to twenty percent of the net funds/or $1,000 whichever is greater may be expended specifically for promotional use and at least eighty percent of the net funds shall be expended for the institution's operational expenses. *Provided, further,* That promotional expenditures shall be in keeping with policies and guidelines developed by the State Board for Technical and Comprehensive Education.

HISTORY: 1982 Act No. 466 Part II § 16, eff June 15, 1982.

South Carolina Employment Revitalization Act

SEC.
59-54-10. Short title; meaning of "unserved or underserved persons or clients".
59-54-20. Requirement that State Council on Vocational and Technical Education serve as State Occupational Training Advisory Committee; responsibilities.
59-54-30. Progress reports of area occupational advisory committees and State Occupational Training Advisory Committee.
59-54-40. Creation of area occupational training advisory committees; responsibilities; membership and meetings; expenses; reporting requirements; dissolution.
59-54-50. Memoranda of agreements involving local technical college commissions and local school boards; effect of failure to enter into memoranda of agreement.
59-54-60. Annual reports of state agencies offering certain educational programs.

§ 59-54-10. Short title; meaning of "unserved or underserved persons or clients".

(A) This chapter is known and may be cited as the South Carolina Employment Revitalization Act of 1986.

(B) As used in this chapter or Chapter 53, Title 59 of the 1976 Code, the term "unserved or underserved persons or clients" means persons who have not previously been primary beneficiaries of vocational education, adult basic and adult secondary education, and technical education programs and specifically including recipients of public assistance payments through the Aid to Families with Dependent Children (AFDC) program, and at-risk youth.

HISTORY: 1986 Act No. 394, § 1, eff April 29, 1986.

Editor's Note—

The South Carolina Revitalization Act (1986 Act No. 394), in addition to adding §§ 59-54-10 through 59-54-60, amended (or added) §§ 59-5-61, 59-43-20, 59-53-10, 59-53-20, 59-53-40, 59-53-50 and 59-53-57.

§ 59-54-20. Requirement that State Council on Vocational and Technical Education serve as State Occupational Training Advisory Committee; responsibilities.

The State Council on Vocational and Technical Education shall also serve as the State Occupational Training Advisory Committee and in this regard has the following responsibilities:

(1) make recommendations to the State Board of Education, the State Board for Technical and Comprehensive Education, the Governor's Office, and the public for improving the coordination among the state's plans and programs for adult vocational education, adult basic and adult secondary education, post-secondary technical education and secondary vocational education.

(2) make recommendations to the State Board of Education, the State Board for Technical and Comprehensive Education, the Governor's Office, and the public for assuring the compatibility of these educational plans and programs with the state's economic development strategies.

(3) make recommendations to the State Board of Education, the State Board for Technical and Comprehensive Education, the Commission on Higher Education, the Governor's Office, and the public for improving the articulation between secondary vocational education and post-secondary technical education and between post-secondary technical education and four-year degree programs.

(4) make recommendations to the State Board of Education, the State Board for Technical and Comprehensive Education, the Governor's Office, and the public for improving service to groups or communities in the State which are unserved or underserved and need additional training and education to be employed or to move into the work force and off of public assistance.

(5) make recommendations to the State Board of Education, the State Board for Technical and Comprehensive Education, the Governor's Office, and the public for improving the accountability systems and effectiveness of the adult vocational education, adult basic and adult secondary education, post-secondary technical education, and secondary vocational education programs.

(6) make recommendations to the State Board of Education, the State Board for Technical and Comprehensive Education, the Governor's Office, and the public for improving the implementation of the provisions of the South Carolina Employment Revitalization Act of 1986.

HISTORY: 1986 Act No. 394, § 5, eff April 29, 1986.

§ 59–54–30. Progress reports of area occupational advisory committees and State Occupational Training Advisory Committee.

After one year from the effective date of this chapter, each area occupational advisory committee shall make a written progress report to the State Occupational Training Advisory Committee. The report must indicate the progress of area technical college commissions and local school boards in reaching the agreement required by § 59-54-50 and specifically identify issues, if any, delaying final agreement. The State Occupational Training Advisory Committee shall report area technical college commissions and local school boards that have not made appropriate progress toward reaching an agreement to the Governor, General Assembly, State Board of Education, and the State Board for Technical and Comprehensive Education.

Based upon a review of the written reports required of the area occupational advisory committees by § 59-54-40, the memoranda of agreement, and other pertinent information, the State Occupational Training Advisory Committee shall report to the Governor and General Assembly upon the cooperation, articulation, and coordination between technical college commissions and local school boards. The State Occupational Training Advisory Committee shall make its report within one year of the execution of memoranda of agreement between all affected technical college commissions and local school boards or within three years of the effective date of this chapter, whichever comes first. The report is not limited to but must specifically identify technical college commissions and local school boards whose agreements have not achieved coordination and articulation, specify the deficiencies, and make recommendations for removing deficiencies. The report of the State Occupational Training Advisory Committee shall contain the written responses, if any, of the State Board of Education, the State Board for Technical and Comprehensive Education, technical college commissions, and local school boards to the State Occupational Training Advisory Committee's findings.

In 1989-90 and every two years thereafter, the State Occupational Training Advisory Committee shall monitor the implementation of the memoranda of agreement and assess the cooperation, coordination, and articulation between technical college commissions and local school boards in a report to the Governor and General Assembly.

Other appropriate state agencies shall assist the State Occupational Training Advisory Committee in preparing the reports required by this section so that the reports may be prepared using existing personnel.

HISTORY: 1986 Act No. 394, § 6, eff April 29, 1986.

§ 59–54–40. Creation of area occupational training advisory committees; responsibilities; membership and meetings; expenses; reporting requirements; dissolution.

(A) An area occupational training advisory committee is created for each of the service areas presently established by the State Board for Technical and Comprehensive Education for the various technical colleges. The purpose of the Area Occupational Training Advisory Committee is to increase coordination, articulation, and effectiveness among the various vocational, technical, occupational, and adult education and economic development programs in that area.

(B) Each area occupational training advisory committee will have the responsibility of assuring that each area technical college commission and appropriate local school boards shall enter into memoranda of agreement that will demonstrate the following:

(1) cooperation between the technical college and the vocational school in the planning and delivery of adult vocational education;

(2) articulation of secondary vocational courses to post-secondary courses in the curricula of the technical college;

(3) coordination among local boards with other local community agencies, literacy councils, private and nonprofit groups in planning and delivering adult basic education, adult secondary education, and literacy programs.

(C) The membership of each area occupational training advisory committee is as follows:

(1) two private sector representatives from the area technical college commission appointed by the State Board for Technical and Comprehensive Education;

(2) two professional representatives from the area technical college appointed by the State Board for Technical and Comprehensive Education;

(3) one private sector representative from the governing or advisory board for vocation education programs in the area appointed by the State Board of Education;

(4) one faculty member or administrator for vocational education programs in the area, appointed by the State Board of Education;

(5) two school superintendents in the area, appointed by the State Board of Education;

(6) two private sector representatives from the area appointed by the Coordinating Council for Economic Development;

(7) two private sector representatives from the area appointed by the Governor.

(D) With the joint approval of the State Board for Technical and Comprehensive Education, the State Board of Education, and Coordinating Council for Economic Development, an area occupational job training advisory committee may expand its membership in the manner approved by these boards or councils in order to respond to particular local needs.

(E) Each advisory committee shall elect a chairman and such other officers as they consider necessary, the chairman to be elected from among the private sector representatives on the committee. Each committee must meet within ninety days following the effective date of this chapter and the Governor's Office working through the state technical education system and the Department of Education shall convene the first meeting.

(F) Committee and staff expenses must be paid by the technical college within the service area.

(G) Vacancies on each advisory committee must be filled by appointment in the same manner of original appointment.

(H) The members of each area advisory committee so appointed shall serve until the advisory committee is dissolved as provided in this section.

(I) Each area occupational advisory committee must prepare a written report analyzing the cooperation, articulation, and coordination achieved in the memoranda of agreement between technical college commissions and local school boards. The written report must be completed and provided to the State Occupational Training Advisory Committee, the State Board of Education, the State Board for Technical and Comprehensive Education and the affected technical college commission and local school board within sixty days after the execution of the memoranda of agreement. The written report shall contain minority or dissenting views of members of the area occupational advisory committee, if any.

(J) The area occupational advisory committees herein established are dissolved two years after the effective date of this chapter.

HISTORY: 1986 Act No. 394, § 11, eff April 29, 1986.

Cross references—

As to applicability of the requirements of this section to licensed practical nurse and vocational agriculture programs under the jurisdiction of the State Board of Education, see § 59-53-20.

As to reporting by the State Occupational Training Advisory Committee with respect to cooperation between technical college commissions and local school boards, based in part on the written reports required by this section, see § 59-54-30.

§ 59–54–50. Memoranda of agreements involving local technical college commissions and local school boards; effect of failure to enter into memoranda of agreement.

(A) To assure a coordinated and articulated local delivery of vocational, technical, and adult basic and adult secondary education and job training, each local technical college commission and local school boards within each service area, as presently established by the State Board for Technical and Comprehensive Education for the various technical colleges, shall enter into memoranda of agreement that must demonstrate the following:

(1) cooperation between the technical college and the vocational school in the planning and delivery of adult vocational education;

(2) articulation of secondary vocational courses to post-secondary courses in the curricula of the technical colleges;

(3) coordination among local boards, other local community agencies, literacy councils, private and nonprofit groups in planning and delivering adult basic education, adult secondary education, and literacy programs.

(B) Any technical college commission or local school board that fails to enter into memoranda of agreement which substantially agree with the provisions of this chapter within two years of the effective date of this chapter shall not receive further state funding for post-secondary or secondary vocational education until such time as memoranda of agreement that substantially agree with this chapter have been executed.

HISTORY: 1986 Act No. 394, § 12, eff April 29, 1986.

Cross references—

As to applicability of the requirements of this section to licensed practical nurse and vocational agriculture programs under the jurisdiction of the State Board of Education, see § 59-53-20.

As to reporting by area occupational advisory committees with respect to the progress of area technical college commissions and local school boards in reaching the agreement requirement by this section, seee § 59-54-30.

§ 59–54–60. Annual reports of state agencies offering certain educational programs.

Each state agency offering vocational, technical, occupational, or adult basic and adult secondary education programs shall include in its annual report at least the following:

(1) a summary of students or clients served each year and the cost per student served each year of the training or educational programs;

(2) the completion and placement rate and further education of students enrolled in vocational, technical, and occupational training and the completion and further education of students enrolled in adult basic and adult secondary education programs;

(3) the number of new programs started with an assessment of future job opportunities;

(4) the number of programs discontinued;

(5) the effectiveness of coordination efforts among education and training entities;

(6) the effectiveness of articulation efforts with other education and training entities;

(7) the effectiveness of the coordination of the training or education program to economic development efforts in each area of the State and the State as a whole;

(8) the degree to which unserved or underserved clients or areas previously identified are now being served or referred to other entities for service including the effectiveness of the training and education programs to assist public assistance clients and at-risk youth to move into the work force;

(9) a summary report of follow-up studies reflecting employer satisfaction and earnings rate of a sample of persons completing various educational and training programs and students participating in cooperative education programs.

HISTORY: 1986 Act No. 394, § 13, eff April 29, 1986.

Cross references—

As to applicability of the requirements of this section to licensed practical nurse and vocational agriculture programs under the jurisdiction of the State Board of Education, see § 59-53-20.

SEC.
59-53-1810. Federal act accepted; State Board of Education designated as State Board of Vocational Training.
59-53-1820. Board authorized to cooperate with local or State agencies for educational advancement.
59-53-1830. Vocational training funds.
59-53-1840. Annual appropriation for vocational education.
59-53-1850. Disbursement of funds.
59-53-1860. Use of funds.
59-53-1870. Expenditure of funds.
59-53-1880. School districts may affiliate with each other for purpose of promoting vocational education.
59-53-1890. Affiliation agreements.
59-53-1900. School districts may join to create vocational school boards; membership of boards; officers.
59-53-1910. Funding of joint vocational school; apportionment of expenses.
59-53-1920. Powers of joint vocational school boards.
59-53-1930. Fiscal year of joint vocational school boards; audit.
59-53-1940. Unlawful injury to or destruction of facilities of joint vocational school board.

§ 59-53-1810. Federal act accepted; State Board of Education designated as State Board of Vocational Training.

The State of South Carolina hereby accepts the provisions of an act of Congress entitled: "To Provide for the Promotion of Vocational Education; to Provide for Cooperation with the States in the Promotion of Such Education in Agriculture and the Trades and Industries; to Provide for Cooperation with the States in the Preparation of Teachers of Vocational Subjects; and to Appropriate Money and Regulate Its Expenditure," and hereby designates and constitutes the State Board of Education as the South Carolina State Board of Vocational Training to cooperate with the United States Government in putting such law into operation.

HISTORY: 1962 Code § 21-691; 1952 Code § 21-691; 1942 Code § 5394; 1932 Code § 5283; Civ. C. '22 § 2543; 1917 (30) 42.

Cross references—

As to rules and regulations promulgated under authority of this section, see Rules and Regulations, State Board of Education.

§ 59-53-1820. Board authorized to cooperate with local or State agencies for educational advancement.

The State Board of Vocational Training may cooperate with any local or State agency for the advancement of agricultural and industrial education.

HISTORY: 1962 Code § 21-692; 1952 Code § 21-692; 1942 Code § 5395; 1932 Code § 5284; Civ. C. '22 § 2544; 1917 (30) 42.

§ 59-53-1830. Vocational training funds.

The State Treasurer is hereby created and appointed custodian of all funds coming to the State from the United States under the provisions of the act referred to in § 59-53-1810 and shall be responsible on his bond for the correct and proper handling of such funds. All moneys appropriated by the State or paid into the State Treasury from the United States for the purpose set forth in §§ 59-53-1810 to 59-53-1870 shall be paid out upon the order of the State Board of Education, duly countersigned and approved by the secretary of the Board, and itemized vouchers shall be filed with the Comptroller General as in the case of other funds.

HISTORY: 1962 Code § 21-693; 1952 Code § 21-693; 1942 Code § 5396; 1932 Code § 5285; Civ. C. '22 § 2545; 1917 (30) 42.

CASE NOTES

Cited in Varn v Beattie, 171 SC 424, 172 SE 442 (1934).

§ 59–53–1840. Annual appropriation for vocational education.

There shall be appropriated annually, out of the State Treasury, for the promotion of vocational education in agriculture subjects, industrial subjects and home economic subjects, a sum not less than the amount which may be apportioned to the State from the funds appropriated by the Congress of the United States in an act entitled "An Act to Provide for the Promotion of Vocational Education; to Provide for Cooperation with the States in the Promotion of such Education in Agriculture and the Trades and Industries; to Provide for Cooperation with the States in the Preparation of Teachers of Vocational Subjects; and to Appropriate Money and Regulate its Expenditure," approved February 23, 1917.

HISTORY: 1962 Code § 21-694; 1952 Code § 21-694; 1942 Code § 5431; 1932 Code §§ 5617 to 5620; Civ. C. '22 §§ 2735 to 2738; 1919 (31) 49.

§ 59–53–1850. Disbursement of funds.

Moneys appropriated under the terms of §§ 59–53–1810 to 59–53–1870 shall be paid out upon the order of the State Board of Education, duly countersigned and approved by the secretary of the State Board of Education, and itemized vouchers shall be filed with the Comptroller General as in the case of other funds.

HISTORY: 1962 Code § 21-695; 1952 Code § 21-695; 1942 Code § 5431; 1932 Code §§ 5617 to 5620; Civ. C. '22 §§ 2735 to 2738; 1919 (31) 49.

For high schools and joint vocational schools having a vocational agriculture program, monies appropriated for this purpose shall be disbursed for use by such schools to conduct vocational agriculture programs on a full-time twelve-month per year basis. The provisions of this section shall not prohibit monies appropriated for vocational agriculture to be used in programs of less than twelve months per year. The local school board shall decide whether all or any part of its vocational agricultural program shall be 12 months or less than 12 months after consideration of the local board's needs assessment for vocational agriculture and the findings of the State Department of Education's review of the local vocational agricultural program.

HISTORY: 1980 Act No. 503, § 1, eff June 11, 1980.

Effect of Amendments—

The **1980** amendment added the second paragraph.

§ 59–53–1860. Use of funds.

The State Board of Education may use the funds appropriated by §§ 59–53–1810 to 59–53–1870 for the payment of the salaries of teachers, supervisors or directors of vocational subjects, for the purchase of supplies and equipment to be used by vocational classes, for the maintenance of classes for training teachers of vocational subjects or for the administration of vocational education, including necessary supervision and clerical help.

HISTORY: 1962 Code § 21-696; 1952 Code § 21-696; 1942 Code § 5431; 1932 Code §§ 5617 to 5620; Civ. C. '22 §§ 2735 to 2738; 1919 (31) 49.

Due to the special characteristics of agriculture education work experiences which require instruction during the summer and on a year-round basis, monies appropriated for this purpose shall be available on a full-time twelve-month per year basis to those high schools and joint vocational schools whose teachers of vocational agriculture are responsible for the following programs of instruction on a full-time basis during the interim between academic years:

(a) Supervision and instruction of students in agriculture experience programs;

(b) Group and individual instruction of farmers and agribusinessmen;

(c) Supervision of student members of "Future Farmers of America" who are involved in leadership training or other activities as part of their vocational education instructional program;

(d) Any program of vocational agriculture established by the State Board of Education.

§ 59-53-1870. Expenditure of funds.

The State Board of Education shall adopt rules and regulations governing the expenditures of moneys appropriated by §§ 59-53-1810 to 59-53-1870 and shall make the same known to the various school districts of the State in order that they may know the conditions under which they are entitled to share in the funds available for vocational education.

HISTORY: 1962 Code § 21-697; 1952 Code § 21-697; 1942 Code § 5431; 1932 Code §§ 5617 to 5620; Civ. C. '22 §§ 2735 to 2738; 1919 (31) 49.

On or before December 30, 1980, the State Board of Education shall adopt instructional program standards for vocational programs and a needs assessment format which includes instructional requirements for the special characteristics of the different vocational programs, using as a guide for vocational agriculture the standards of quality vocational programs in agriculture/agribusiness education developed by the vocational agricultural education profession. The instruction program standards for vocational agriculture programs shall include the instructional programs for the interim between academic years which are itemized in § 59-53-1860 of the 1976 Code, as amended.

These instructional program standards shall be incorporated in the South Carolina State Plan for Vocational-Technical Education as adopted by the State Board of Education. The instructional standards adopted by the State Board of Education shall be used to evaluate all vocational programs.

Local programs of vocational agriculture education and the school district's needs assessment for agriculture education programs shall be reviewed by the State Department of Education consultants for agriculture education with the participation of an advisory team consisting at minimum of a member of the local advisory committee for vocational agriculture, a member of the local advisory council for vocational education and a teacher-educator for agriculture education from Clemson University. The findings of such reviews shall include an explicit statement of the vocational agricultural education needs of the students and the agriculture community served by such local program. Any member of this review team shall be allowed to include a minority opinion in the findings of the review. These reviews shall be scheduled by the State Department of Education at intervals adequate to assure local program compliance with the State Plan for Vocational and Technical Education. Whenever a high school or joint vocational school's annual report, as required by § 59-20-60, the S. C. Education Finance Act of 1977, on programmatic needs fails to justify or continue offering on a full-time twelve-month per year basis any existing vocational agriculture education program, the school district board of trustees for such school shall include and consider the findings of the State Department of Education review of the local vocational agriculture program in the needs assessment of such district board of trustee's comprehensive annual and long-range plan for meeting program needs.

HISTORY: 1980 Act No. 503, § 3, eff June 11, 1980.

Effect of Amendments—

The **1980** amendment added the second, third and fourth sentences.

§ 59-53-1880. School districts may affiliate with each other for purpose of promoting vocational education.

For the purpose of developing and maintaining vocational education facilities and programs to serve an area not exclusively within the boundaries of a single school district, the school districts serving such an area are empowered to affiliate with each other under such terms and conditions, not in conflict with this section and § 59-53-1890, as they see fit. The affiliation shall be evidenced by a written instrument to be filed with the secretary and administrative officer of the State Board of Education and with the county boards of education concerned.

HISTORY: 1962 Code § 21-698; 1966 (54) 2144.

§ 59-53-1890. Affiliation agreements.

The affiliation agreement shall provide: (a) For the affiliating school districts to appoint a liaison committee which shall recommend organizational and administrative procedures and measures to assure adequate accounting procedures; (b) procedures by which vocational education funds appropriated by the Federal, State or county government may be applied for and received; (c) procedures by which one of the affiliating school districts may hold title for the benefit of all to real and personal property acquired with such funds; and (d) that each of the affiliating school districts shall have an equity in such joint assets to the extent that the assessed tax value of the property within such school district bears to the aggregate assessed tax value of the property within the combined area of the school districts. If less than an entire school district is served by such vocational education facilities or programs, only the area served shall be considered in computing equities in joint assets.

HISTORY: 1962 Code § 21-699; 1966 (54) 2144.

§ 59–53–1900. School districts may join to create vocational school boards; membership of boards; officers.

Any group of two or more school districts of the State, without regard to county lines, may join to create vocational school boards (hereinafter referred to as boards) to construct, operate, govern, supervise, manage and control vocational schools. *Provided*, however, that the provisions of this section shall not be applicable to any school district with a vocational center serving only those students residing within its geographical limits. Each board shall consist of six appointed members, to be apportioned among the districts joining in the creation of the board as the districts may agree. Members shall be selected by the school boards of trustees from the members of their respective district school boards of trustees. The terms of the members of the board shall be concurrent with their terms on the district school board of trustees. In the event that vacancies occur or members of the boards cease to be members of their respective boards of trustees, such vacancies shall be filled by members from the same school board of trustees of which the withdrawing member was a member, selected by the trustees of that district or county.

The superintendent of each participating district shall serve as an ex officio non-voting member of the board. The superintendents shall be administrative members of the board and shall jointly nominate staff and assume such responsibilities and perform such duties as may be prescribed by law or by regulations of the State Board of Education or as may be prescribed by the vocational school board.

As soon as convenient after June 4, 1975 the respective boards of trustees of participating districts shall select their members and the boards shall convene and organize by electing one member as chairman and one as vice chairman. The terms of chairman and vice chairman shall be for one year. The boards shall have such other officers and prescribe terms thereof as deemed necessary.

The members of the boards shall be paid such compensation as the boards may provide by resolution; *provided*, that such compensation shall not exceed fifty dollars per meeting and mileage at a rate of fourteen cents per mile.

HISTORY: 1979 Act No. 90 § 1, eff May 31, 1979.

Effect of Amendments—

The **1979** amendment added the words "any group of two or more" in describing districts which may combine, added the proviso excepting school districts with geographically restricted vocational centers, and added the paragraph making district superintendents board members.

ATTORNEY GENERAL'S OPINIONS

R. D. Anderson Area Vocational Center should be governed by a vocational school board created pursuant to Section 59–53–1900, Code of Laws of South Carolina, 1976. 1979 Op Att'y Gen, No 79-19, p 30.

§ 59–53–1910. Funding of joint vocational school; apportionment of expenses.

The vocational school shall not constitute a separate school district but shall be a joint project for the establishment of a vocational school by the cooperating school districts. The vocational school shall be funded by the respective district boards, as the district boards may agree upon. The costs of acquiring real property and the improvements thereon are to be borne by the respective district boards according to their agreement thereon.

HISTORY: 1975 (59) 272.

Editor's Note—

1979 Act No. 90 § 2 provides as follows:

"Notwithstanding any other provision of law, the Beaufort-Jasper career education center's financial accounting and reporting system shall be managed as part of the Beaufort County school district's financial accounting and reporting system."

§ 59–53–1920. Powers of joint vocational school boards.

The boards shall be fully empowered to operate, govern, supervise, manage, control, direct, acquire, construct, maintain, improve and extend the facilities of the vocational schools. To that end, the boards shall have the following powers:

(1) To have perpetual succession.

(2) To sue and be sued.

(3) To adopt, use and alter an institutional seal.

(4) To define a quorum for meetings.

(5) To establish a principal office.

(6) To make bylaws for the management and regulation of their affairs.

(7) To acquire, build, construct, equip, maintain and operate a vocational school or schools.

(8) To select a vocational school director or directors.

(9) To accept gifts or grants of services, properties or monies from private individuals or entities, from the State of South Carolina, the United States or agencies thereof.

(10) To make contracts and execute and deliver all instruments necessary or convenient for the carrying on of the business of the vocational school.

(11) To acquire in the name of the cooperating districts, as tenants in common, by purchase or gift, all land and interest therein which the boards shall, in their discretion, deem necessary to enable them to fully and adequately discharge their responsibilities.

(12) To appoint officers, agents and employees and prescribe their duties, fix their compensation and determine if and to what extent they shall be bonded for the faithful performance of their duties; and to make contracts for construction, architectural, engineering, legal and other services and materials.

(13) To determine each school year the student capacity of the vocational school, with the capacity to be apportioned by agreement among the cooperating districts. In the event that in any school year any of the respective boards fail to fulfill their quota, the other boards shall be permitted to fill such unused allocation with students from their county. The boards utilizing the unused allocation shall pay for each student on a pro rata part of the year's current operating expenses based upon the budget. This amount shall be paid at the beginning of the fiscal year, except that the actual cost shall not be computed until the end of the current school year or the end of each semester and adjustments shall be made at that time. Nothing herein shall be construed to limit the cost of maintenance, support and operations of the vocational schools jointly.

(14) To perform all other actions necessary or convenient to carry out any responsibility, function or power committed or granted to the boards.

HISTORY: 1975 (59) 272.

§ 59-53-1930. Fiscal year of joint vocational school boards; audit.

The boards shall conduct their affairs on the fiscal year basis employed by the State. As soon after the close of each fiscal year as may be practicable, an audit of school affairs shall be made by a certified public accountant, to be designated by the boards. Copies of such audits, incorporated into annual reports of the boards, shall be filed with the cooperating school districts.

HISTORY: 1975 (59) 272.

§ 59-53-1940. Unlawful injury to or destruction of facilities of joint vocational school board.

It shall be unlawful for any person to wilfully injure or destroy, or in any manner hurt, damage, tamper with or impair the facilities of a vocational board, or any part thereof. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars or imprisoned for not more than thirty days at the discretion of the court, and shall be further liable to pay the cost of all damages.

HISTORY: 1975 (59) 272.

§ 59-53-1950. Purchase of vocational training equipment.

The General Assembly shall provide funds in the annual general appropriation act for the purchase of equipment for vocational training pursuant to the Department of Education's State Plan for vocational-technical education. The highest priority in funding for vocational education must be given to job preparatory, occupational proficiency courses in areas related to:

(a) current high technology trades, businesses, and industries;
(b) high labor market and high labor intensive demand;
(c) small business management; and
(d) new and emerging trades, industries, and businesses which foster and enhance the economic development, stability, and diversification of the State's economy.

HISTORY: 1984 Act No. 512, Part II, § 9, Division II, Subdivision A, SubPart 5, § 1(B), became law on June 28, 1984, without the Governor's signature.

§ 59-53-1960. Vocational placement requirement; survey of placement results; waiver of requirement; students advised of possible discontinuance.

Commencing with 1987-88, to continue existing job preparatory programs, other than vocational agriculture, fifty percent of the graduates available for placement must be placed during the prior three years in the area for which training was provided. Each graduate of a job preparatory vocational education program must be surveyed by his school district ten months after graduation to determine job placement status. The school districts shall make an annual report to the State Board of Education of the findings of its survey. The State Board of Education shall report the results of the district surveys to the Governor, General Assembly, and the Advisory Council on Vocational Technical Education. The State Board of Education may waive the fifty percent requirement upon recommendation of the school district, if the district can demonstrate that a program responds to the employment needs of new or expanding businesses or industries. Students must be advised prior to enrollment in a job preparatory program of possible discontinuation of the program, if placement data indicate possible discontinuation, and of the employment outlook for graduates of the program. Students enrolling in vocational programs which are not preparatory for employment must be clearly advised of this fact by the school district.

HISTORY: 1984 Act No. 512, Part II, § 9, Division II, Subdivision A, SubPart 5, § 1(C), became law on June 28, 1984, without the Governor's signature.

§ 59–53–1970. Vocational education system studies.

South Carolina's evolving economy, new conditions in the workplace, and changing needs of employers combined with the provisions of basic skills remedial programs, increased course requirements, and modernization of equipment require a reassessment of the State's efforts to prepare young people for employment. To assist the General Assembly and the Governor in reviewing the State's vocational education system for grades 9 through 12, the South Carolina Advisory Council on Vocational and Technical Education is directed to conduct an intensive study of how the vocational education system can best prepare young people with skills employers will require between the years 1990 and 2000.

This study shall provide the General Assembly with:

(1) data on and analysis of students' use of the vocational education system, delineating among participation in courses, between occupational and non-occupational courses of study, and between students who participate in a complete sequence of courses as opposed to those who take only one or two courses;

(2) recommendations for the creation of a new management information system which will provide the General Assembly with more timely, accurate, and useful information about student participation in, completion of, and placement from various vocational education programs, and the effects of students' participation in these programs;

(3) a demographic and achievement profile of students who enroll in, complete, and are placed from vocational education courses;

(4) a report of employers' expectations of and experiences with the vocational education system, based on interviews with a representative sample of employers in South Carolina;

(5) a report of students' perceptions of and experiences with the vocational education system, based on interviews with a representative sample of current and former public school students;

(6) recommendations for how the vocational education system can best meet the training and employment needs of low achieving students who do not seek post-secondary education;

(7) recommendations for how the programs of the vocational education system can be better coordinated with other state agencies concerned with education, training, and employment to best serve young people who do not seek post-secondary education;

(8) report on South Carolina's labor needs between 1990 and 2000 which can be met by students who successfully complete programs provided by the vocational education system.

The House Education and Public Works Committee and the Senate Education Committee shall designate committee staff to serve as liaisons with the staff of the South Carolina Advisory Council on Vocational and Technical Education to provide advice about how the study can be designed, implemented, and reported so as to be most useful to the General Assembly. Components of the study must be issued serially, as completed. The South Carolina Advisory Council on Vocational and Technical Education is authorized to seek funding from private sources to facilitate the study, and to subcontract with appropriate public and private entities to conduct any of the various components of the study. The study must be completed no later than April, 1986.

HISTORY: 1984 Act No. 512, Part II, § 9, Division II, Subdivision A, SubPart 5, § 2, became law on June 28, 1984, without the Governor's signature.

§ 59–53–1980. Committee to study all areas of career training; recommendations to General Assembly.

The Governor shall appoint a committee to study all areas of career training in South Carolina. The committee is composed of representatives of the business community, the General Assembly, and the various agencies involved in career training. Based on the findings of the committee, the Governor shall make recommendations to the General Assembly related to a coordinated statewide program of career training which addresses the following concerns:

a. Duplication of services and people served.

b. Need for a comprehensive assessment of future job opportunities in South Carolina and the relationships of those opportunities to the direction of future job training efforts.

c. Need for a unified plan to coordinate job training efforts.

d. Need for a standard management information system.

e. Insufficient emphasis on entrepreneur training and information and service occupations.

f. Narrow missions of Special Schools.

g. Training systems not prepared to handle federal cutbacks in funding.

h. Insufficient coordination with private employers to provide job training.

i. Insufficient coordination of training needs for special target groups.

j. Lack of coordination of illiteracy efforts with job training programs.

k. Other barriers which prevent a coordinated, accessible, and efficient job training effort in South Carolina.

HISTORY: 1985 Act No. 201, Part II, § 9(H), eff June 20, 1985.

Adult Education Generally

SEC.
59–43–10. Powers of district board of trustees.
59–43–20. Powers of State Board of Education.
59–43–30. Funding.

§ 59–43–10. Powers of district board of trustees.

Any district board of trustees may raise and allocate funds for adult education, utilize buildings, equipment and other school facilities of the district for such purpose, and hire teachers, establish and maintain classes for adults in such subjects as the State Board of Education may determine. Adult education classes shall be subject to the rules and regulations of the State Board of Education.

HISTORY: 1962 Code § 21-681; 1974 (58) 1932.

§ 59–43–20. Powers of State Board of Education.

(A) The State Board of Education may:

(1) make and enforce regulations for the organization, conduct, and supervision of adult basic and adult secondary (GED and high school diploma) education;

(2) determine the qualifications of teachers and issue teaching certificates for teaching adult basic and adult secondary (GED and high school diploma) education classes;

(3) determine the tuition which may be required of persons attending adult basic and adult secondary (GED and high school diploma) education classes;

(4) determine the subjects which may be taught in adult basic and adult secondary (GED and high school diploma) education classes.

(B) The State Board of Education is also responsible for the administration, coordination, and management of adult basic and adult secondary (GED and high school diploma) education for the purpose of facilitating and coordinating adult basic and adult secondary (GED and high school diploma) education programs for South Carolina adults whose level of educational attainment is below high school, as prescribed by state and federal laws and regulations. The State Board of Education and the local school districts are responsible for effective coordination and utilization of literacy councils, the technical education system, the educational television network, nonprofit groups, business and industry representatives, and other state and local agencies and private persons interested in adult basic and adult secondary (GED and high school diploma) education programs to deliver programs to the state's undereducated adult population.

(C) Any funds distributed by the State Board of Education for local literacy councils or programs must be made available to those councils or programs either in kind or in money.

HISTORY: 1986 Act No. 394, § 3, eff April 29, 1986.

Effect of Amendments—

The **1986** amendment designated the existing text as subsection (A), added subsections (B) and (C), substituted "regulations" for "rules and regulations" in (A)(1), substituted "education classes" for "classes" in (A)(2), and added "basic and adult secondary (GED and high school diploma)" in (A)(1)-(4).

§ 59–43–30. **Funding.**

The adult education program of any school district may be supported either in whole or in part by either Federal, State, county or school district funds or by any combination thereof and may be supplemented by funds provided from other sources.

HISTORY: 1962 Code § 21-683; 1974 (58) 1932.

FACILITIES AND IMPROVEMENTS FOR TECHNICAL EDUCATION COLLEGES

Sec.
59-53-150. Legislative findings.
59-53-151. Definitions.
59-53-152. Board may construct or acquire plant improvements.
59-53-153. Bond issues.
59-53-154. Bond issues; full faith and credit of State shall not be pledged.
59-53-155. Bond issues; resolutions by board; limitations.
59-53-156. Bond issues; maturing provisions; interest; redemption.
59-53-157. Bond issues; negotiable coupon bonds or fully registered bonds.
59-53-158. Bond issues; tax-exempt status.
59-53-159. Bond issues; executors, administrators and the like.
59-53-160. Bond issues; executed in name of subject college.
59-53-161. Bond issues; disposal of bonds.
59-53-162. Proceeds of bonds.
59-53-163. Bond reserve fund and student fee.
59-53-164. When student fee is payable; payment of costs from reserve fund.
59-53-165. Board's power regarding resolutions authorizing bond issues.
59-53-166. State Treasurer may accept custody of receipts from special student fee.
59-53-167. Article not intended to limit any college.

§ 59-53-150. Legislative findings.

The General Assembly finds that additional facilities and improvements will be required from time to time for certain technical education colleges and centers in the State which will be of benefit to those in attendance at such institutions and which are properly payable from the special student fee authorized by this article, and it has been determined to empower the State Board for Technical and Comprehensive Education acting for such institutions to provide such facilities and improvements through the procedures provided for in this article.

HISTORY: 1978 Act No. 646 § 5, eff July 25, 1978.

§ 59-53-151. Definitions.

As used in this article:

(1) "Board" shall mean the State Board for Technical and Comprehensive Education.

(2) "Bonds" shall mean the special obligation bonds of the particular technical education college or center for whom bonds are issued.

(3) "Bond reserve fund" shall mean each special fund to be

established which shall be in the custody of the State Treasurer and which is primarily established for the purpose of providing a reserve with which to meet the payment of the principal of and interest on bonds issued for any college in the event that payments otherwise required for the debt service fund shall be insufficient to meet the payment of such principal and interest as and when they become due and payable. Moneys in the bond reserve fund may also be used to pay costs of plant improvements for such college in accordance with the provisions of § 59-53-164 of this article.

(4) "College" shall mean each of the technical education colleges or centers.

(5) "Debt service fund" shall mean each fund to be established for the payment of the principal of and interest on the bonds issued for any college.

(6) "Plant improvements" shall mean the construction of and improvements to the buildings and equipment constituting facilities for any college.

(7) "Special student fee" shall mean the fee authorized to be established by the board at any college to provide funds for the repayment of bonds issued for such college.

(8) "State board" shall mean the State Budget and Control Board.

HISTORY: 1978 Act No. 646 § 5, eff July 25, 1978.

§ 59-53-152. Board may construct or acquire plant improvements.

The board may construct or acquire plant improvements at any college, and thereafter utilize, operate and maintain them, if such undertakings have received the prior approval of the state board.

HISTORY: 1978 Act No. 646 § 5, eff July 25, 1978.

§ 59-53-153. Bond issues.

The board may issue bonds of any college payable from the special student fee imposed at such college in such amounts as may from time to time be determined by the board to be necessary to meet the cost of plant improvements at such college but only under the following conditions:

(1) The approval of the state board, expressed by resolution duly adopted, shall be obtained. Such approval is hereby declared a condition precedent to the issuance of bonds pursuant to this article, and no bonds shall be issued without such approval.

(2) Notwithstanding any other provisions of this article, there must not be outstanding at any time bonds issued pursuant to this section for any college in excess of four million dollars.

(3) No bonds may be issued unless there is on deposit in the bond reserve fund for such college a sum equal to the lesser of (a) ten percent of the principal of all bonds then outstanding, or (b) the maximum reserve prescribed by the applicable regulations of the United States Treasury Department relating to arbitrage bonds.

HISTORY: 1978 Act No. 646 § 5, eff July 25, 1978; 1988 Act No. 638, § 7(B), eff June 3, 1988.

Editor's Note—

Section 7(A) of 1988 Act 638 provides as follows:

"(A) As an incident to the enactment of this section the General Assembly makes the following findings:

(1) By Section 59-53-153 of the 1976 Code, the General Assembly has authorized the State Board for Technical and Comprehensive Education to issue special obligation bonds payable from a special student fee authorized therein and to utilize the proceeds for the acquisition and construction of certain plant improvements.

(2) These bonds may only be issued following approval of the State Budget & Control Board.

(3) There must not be outstanding at any time bonds issued pursuant to Section 59-53-153 in excess of two million dollars.

(4) Additional facilities and improvements benefiting those in attendance at the technical education colleges and centers are needed and are properly payable from the special student fee."

Effect of Amendment—

The **1988** amendment, in item (2), made a grammatical change, and changed "two million dollars" to "four million dollars".

§ 59–53–154. Bond issues; full faith and credit of State shall not be pledged.

The faith and credit of the State shall not be pledged for the payment of the principal and interest of any bonds issued pursuant to this article and there shall be on the face of each bond a statement plainly worded to that effect. Neither the members of the board nor any other person executing the bonds shall be personally liable thereon.

HISTORY: 1978 Act No. 646 § 5, eff July 25, 1978.

§ 59–53–155. Bond issues; resolutions by board; limitations.

In order to utilize the authorizations of this article, the board on behalf of any college may adopt resolutions providing for the issuance of bonds for the college within the limitations herein mentioned, and by such resolution shall prescribe the tenor, terms and conditions of the bonds and the obligations of the college incurred in connection with their issuance. The bonds for any college may be issued either as a single issue or from time to time as several separate issues. In the event that the bonds for any college shall be issued as two or more issues, then notwithstanding, all bonds for such college shall be on a parity in all respects *inter sese* and shall be equally and ratably entitled to payment from the special student fee imposed at the college; *provided,* that in instances where an area commission is in charge of the operations of any college, the approval of the area commission to the action of the board authorized by this section shall be first obtained.

HISTORY: 1978 Act No. 646 § 5, eff July 25, 1978.

§ 59–53–156. Bond issues; maturing provisions; interest; redemption.

The bonds shall be issued as serial bonds, maturing in equal or unequal amounts, at such time and on such occasions and shall be in such denominations as the board shall determine; *provided,* that the last maturing bonds of any issued shall be expressed to mature not later than forty years from their date, and the first maturing bonds of any issue shall fall due not later than three years from their date. The bonds shall bear such rate or rates of interest within the limitation of § 11-9-350 of the 1976 Code, payable on such occasions as the board shall prescribe, and shall be payable in such medium of payment and at such place as such resolutions shall prescribe. Any bonds may be issued with provisions permitting their redemption prior to their stated maturity, at such time and under such conditions as the board shall prescribe. Bonds made subject to redemption prior to their stated maturities may contain a provision requiring the payment of a premium for the privilege of exercising the right of redemption, within such limitations as the board shall prescribe. All bonds that are subject to redemption shall contain a statement to that effect on the face of each bond. Any resolution authorizing redeemable bonds shall contain provisions specifying the manner of call and the notice thereof that must be given.

HISTORY: 1978 Act No. 646 § 5, eff July 25, 1978.

§ 59-53-157. Bond issues; negotiable coupon bonds or fully registered bonds.

The bonds may be in the form of negotiable coupon bonds, payable to bearer, with the privilege to the holder of having them registered as to principal on registry books kept for the college by the State Treasurer, and the principal thus made payable to the registered holder, unless the last registered transfer shall have been to bearer, upon such conditions as the board shall prescribe, or the bonds may be issued as fully registered bonds in such form as may be prescribed by the board. If issued as fully registered bonds, it may be provided that they may thereafter be converted into negotiable coupon bonds of the tenor first above described.

HISTORY: 1978 Act No. 646 § 5, eff July 25, 1978.

§ 59-53-158. Bond issues; tax-exempt status.

The bonds and all interest to become due thereon shall have the tax-exempt status prescribed by § 12-1-60 of the 1976 Code.

HISTORY: 1978 Act No. 646 § 5, eff July 25, 1978.

§ 59-53-159. Bond issues; executors, administrators and the like.

It shall be lawful for all executors, administrators, guardians and fiduciaries to invest any moneys in their hands in bonds.

HISTORY: 1978 Act No. 646 § 5, eff July 25, 1978.

§ 59–53–160. Bond issues; executed in name of subject college.

The bonds, and the coupons, if any, attached to the bonds, shall be executed in the name of the college for whom the bonds are issued in such manner and by such person as the board shall from time to time determine, and the seal of the board shall be reproduced, affixed to or impressed on each bond. Any coupons attached to the bonds shall be authenticated by the facsimile signaturers of one or more of the persons signing the bonds. The delivery of the bonds and coupons so executed shall be valid notwithstanding changes in officers or seal occurring after such execution and prior to the delivery thereof.

HISTORY: 1978 Act No. 646 § 5, eff July 25, 1978.

§ 59–53–161. Bond issues; disposal of bonds.

All bonds shall be disposed of in such manner as the board shall determine, except that no sale, privately negotiated without public advertisement, shall be made unless the approval of the state board shall be obtained. If the board shall elect to sell the bonds at public sale, at lease one advertisement thereof shall appear either in a financial paper published in New York City, or some newspaper of general circulation in South Carolina, not less than seven days prior to the occasion fixed for the opening of bids.

HISTORY: 1978 Act No. 646 § 5, eff July 25, 1978.

§ 59–53–162. Proceeds of bonds.

The proceeds of all bonds shall be delivered to the State Treasurer and retained by him in a special fund or funds and applied solely to the purposes for which the bonds shall have been issued. Withdrawals from the fund shall be made on the order or requisition of the board and shall be in such form as the State Treasurer shall prescribe. The State Treasurer may make temporary investments of funds derived from the proceeds of bonds in the manner prescribed by law.

HISTORY: 1978 Act No. 646 § 5, eff July 25, 1978; 1980 Act No. 517 Part IV, § 4, eff June 10, 1980.

Effect of Amendments—

The 1980 amendment deleted a provision relating to the deposit of income from temporary investments.

§ 59–53–163. Bond reserve fund and student fee.

To the end that provision be made for the adequate payment of the principal of and interest on the bonds, the board shall be empowered as follows:

(1) To immediately establish a bond reserve fund for the college for whom bonds are to be issued.

(2) To impose a special student fee, in addition to all other fees and charges, upon each person at such college under such conditions as the board shall determine.

HISTORY: 1978 Act No. 646 § 5, eff July 25, 1978.

§ 59–53–164. When student fee is payable; payment of costs from reserve fund.

Each special student fee shall be in such amount and shall be payable on such occasions as shall be provided by the schedule or schedules which shall from time to time be promulgated by the board, which is authorized to revise any such schedule from time to time when required by the provisions of this article by any resolution of the board authorizing the issuance of any bonds.

A special student fee at any college may, in the discretion of the board, be made effective as of July 1, 1978, notwithstanding that bonds authorized by this article may not be issued for the college until some subsequent date. All moneys received therefrom prior to the issuance of the bonds shall be deposited in the bond reserve fund for the college.

Prior to the issuance of any bonds, moneys in the bond reserve fund may be used to pay costs incurred or to be incurred in connection with any plant improvements which may be acquired by the board in accordance with the provisions of § 59–53–152 and the State Treasurer may honor requisitions of the board drawn for such purposes. Subsequent to the issuance of any bonds pursuant to this article, moneys in the bond reserve fund shall be used only to meet the payment of the principal of and interest on the bonds, except that if accumulations of the bond reserve fund shall become greater than the amount prescribed by the board in the resolution adopted pursuant to 59–53–155, such excess moneys may with the permission of the state board be applied to additional plant improvements.

HISTORY: 1978 Act No. 646 § 5, eff July 25, 1978.

§ 59–53–165. Board's power regarding resolutions authorizing bond issues.

In the resolutions authorizing the issuance of bonds for any college, the board shall be empowered as follows:

(1) To covenant that the bond reserve fund for such college shall be maintained throughout the life of the bonds.

(2) To covenant and agree throughout the life of any bonds issued pursuant to this article that the special student fee for such

college shall be imposed, maintained and revised when necessary, in such amount, without limitation as to rate, as shall be sufficient to meet the payment of the principal and interest of the bonds as they become due and to maintain the bond reserve fund to the extent provided for therein.

(3) To establish the debt service fund which shall be maintained in the hands of the State Treasurer.

(4) To covenant that all revenues derived from the special student fee shall be paid into the bond reserve fund or the debt service fund.

(5) To establish appropriate rules requiring the prompt payment of the special student fee.

(6) To covenant as to the use of the proceeds of the sale of the bonds.

(7) To provide for the terms, forms, registration, exchange, execution and authentication of bonds and for the replacement of lost, destroyed or mutilated bonds.

(8) To covenant for the mandatory redemption of bonds on such terms and conditions as the resolutions authorizing the bonds may prescribe.

(9) To prescribe the procedure by which the terms of the contract with the bondholders may be amended, the number of bonds whose holders must consent thereto and the manner in which the consent shall be given.

(10) To covenant to insure any plant improvements paid for with the proceeds of the bonds against loss by fire, or other casualty.

(11) To prescribe the events of default and the terms and conditions upon which all or any bonds shall become or may be declared due before maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

(12) To reserve the right to issue additional bonds, payable from the special student fee to the extent to which the board may hereafter become authorized to issue additional bonds, either pursuant to this section or pursuant to other legislation hereafter enacted, and to prescribe the conditions under which such bonds may be issued.

(13) To make such further covenants and agreements as may be necessary or desirable in order to market the bonds.

HISTORY: 1978 Act No. 646 § 5, eff July 25, 1978.

§ 59–53–166. State Treasurer may accept custody of receipts from special student fee.

The State Treasurer may accept custody of receipts and revenues derived from any special student fee, to deposit them in the applicable debt service fund and in the applicable bond reserve fund and to utilize the proceeds of the debt service fund and the bond reserve fund for the payment of the principal of and interest on bonds, as and when they become due and payable. It shall be the duty of the board to make provision for the transmission of the proceeds of each special student fee to the State Treasurer. Moneys in the debt service fund and the bond reserve fund may be invested and reinvested in obligations of the United States or any agency thereof with maturities consonant with the need for funds to meet the payment of the principal of and interest on the bonds.

HISTORY: 1978 Act No. 646 § 5, eff July 25, 1978.

§ 59–53–167. Article not intended to limit any college.

It is not intended by this article to limit any college in the construction of the plant improvements to the sums herein provided. If the college obtains funds from other sources for such purpose it may apply them to the plant improvements.

HISTORY: 1978 Act No. 646 § 5, eff July 25, 1978.

Educational Facilities Act

SEC.
59-109-10. Short title.
59-109-20. Legislative declaration of policy and purpose.
59-109-30. Definitions.
59-109-40. Authority created as public instrumentality consisting of members of State Budget and Control Board.
59-109-50. Purpose of Authority; powers enumerated.
59-109-60. Expenses.
59-109-70. Acquisition of property by Authority.
59-109-80. Transfer of property to participating institution after payment of bonds.
59-109-90. Bond anticipation notes; issuance, terms, form and execution of bonds and notes.
59-109-100. Trust agreement to secure bonds.
59-109-110. Bonds not deemed debt or liability of State or any political subdivision.
59-109-120. Rates, rents, fees and charges; disposition of moneys received.
59-109-130. Moneys received deemed trust funds.
59-109-140. Enforcement of rights of bondholders.
59-109-150. Exemption from taxation.
59-109-160. Bonds as legal investments.
59-109-170. Annual reports.
59-109-180. Chapter as supplemental; Authority not subject to regulation, approval or consent of other agencies or the like.

§ 59-109-10. Short title.

This chapter, when codified, may be referred to and cited as the "Educational Facilities Authority Act for Private Nonprofit Institutions of Higher Learning."

HISTORY: 1962 Code § 22-41.1; 1969 (56) 444; 1975 (59) 47.

Editor's Note—

Section 1 of 1975 Act No. 46 (1975 (59) 47) contains legislative findings relative to the 1975 amendment which changed the name "Educational Facilities Authority" to "Educational Facilities Authority Act for Private Nonprofit Institutions of Higher Learning." Said section provides:

"As an incident to this enactment the General Assembly has made the following findings:

"Section 25 of Part II of Act No. 349 of 1969 [this chapter] created the 'Educational Facilities Authority' for the purpose of assisting private nonprofit educational institutions which do not receive financial support from the State of South Carolina in the construction and financing of facilities for their educational programs. The validity of this act was upheld by both the Supreme Court of South Carolina and the Supreme Court of the United States *(Hunt vs. McNair)* 258 South Carolina 97, 187 SE 2d 645, 93 Supreme Court Reporter 2868. As yet no projects have been undertaken but it is now anticipated that one or more of such institutions may undertake projects pursuant to this statute. Questions have arisen as to whether the name of the authority might inadvertently suggest that bonds issued pursuant to the act would indicate that such bonds were indirectly an obligation of the State despite the fact that the act requires that there be printed on the face of each bond a statement to the effect that:

'All such revenue bonds shall contain on the face thereof a statement to the effect that neither the State of South Carolina nor the authority shall be obligated to pay the same or the interest thereon except from revenues of the project or the portion thereof for which they are issued and that neither the faith and credit nor the taxing power of the State of South Carolina or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds.'

"Accordingly, it has been determined to change the name of the authority from 'Educational Facilities Authority' to 'Educational Facilities Authority Act for Private Nonprofit Institutions of Higher Learning' and to make a corresponding change in other references."

Research and Practice References—
Education. 24 SC L Rev 643.

§ 59–109–20. Legislative declaration of policy and purpose.

It is hereby declared that for the benefit of the people of the State, the increase of their commerce, welfare and prosperity and the improvement of their health and living conditions it is essential that this and future generations of youth be given the fullest opportunity to learn and to develop their intellectual and mental capacities; that it is essential that institutions for higher education within the State be provided with appropriate additional means to assist such youth in achieving the required levels of learning and development of their intellectual and mental capacities; and that it is the purpose of this chapter to provide a measure of assistance and an alternative method to enable institutions for higher education in the State to provide the facilities and structures which are sorely needed to accomplish the purposes of this chapter, all to the public benefit and good, to the extent and manner provided herein.

HISTORY: 1962 Code § 22-41; 1969 (56) 444.

Research and Practice References—
Education. 24 SC L Rev 643.

CASE NOTES

Constitutionality.—This chapter is a valid exercise of the legislative power of the General Assembly of South Carolina. Hunt v McNair, 258 SC 97, 187 SE2d 645 (1972), aff'd 413 US 734, 93 S Ct 2868, 37 L Ed 2d 923 (1973).

There is no violation of the establishment clause of the first amendment of the US Constitution since the purpose of this chapter is secular, its implementation will not have the primary effect of advancing or inhibiting religion, and it does not encourage an unconstitutional degree of entanglement between the State and the college. Hunt v McNair, 413 US 734, 93 S Ct 2868, 38 L Ed 2d 923 (1973).

This chapter is not legislation respecting an establishment of religion or prohibiting the free exercise thereof in contravention of the establishment clause of the State and Federal constitutions. Hunt v McNair, 258 SC 97, 187 SE2d 645 (1972), aff'd 413 US 734, 93 S Ct 2868, 37 L Ed 2d 923 (1973).

Some involvement between church and State is not constitutionally obnoxious. It is a question of degree, and each case must be judicially determined on its own facts, taking into consideration all of the relevant factors. Hunt v McNair, 258 SC 97, 187 SE2d 645 (1972), aff'd 413 US 734, 93 S Ct 2868, 37 L Ed 2d 923 (1973).

If the general public benefit is the dominant interest served, constitutional demands are not offended, even though the aid inures to the benefit of a private institution. Hunt v McNair, 255 SC 71, 177 SE2d 362 (1970); 258 SC 97, 187 SE2d 645 (1972), aff'd 413 US 734, 93 S Ct 2868, 37 L Ed 2d 923 (1973).

Purpose.—The true purpose of this chapter is to provide a measure of assistance and an alternative method to enable institutions for higher learning in the State to provide the facilities and structures which are sorely needed to accomplish this aim to the public benefit and good of all the people of this State. Hunt v McNair, 255 SC 71, 177 SE2d 362 (1970); 258 SC 97, 187 SE2d 645 (1972), aff'd, 413 US 734, 93 S Ct 2868, 37 L Ed 2d 923 (1973).

The purpose of this act is manifestly a secular one. The benefits of this chapter are available to all institutions of higher education in South Carolina, whether or not having a religious affiliation. Hunt v McNair, 413 US 734, 93 S Ct 2868, 37 L Ed 2d 923 (1973).

The promotion of secular education is universally acceptable as a proper public purpose. Hunt v McNair, 255 SC 71, 177 SE2d 362 (1970); 258 SC 97, 187 SE2d 645 (1972), aff'd, 413 US 734, 93 S Ct 2868, 37 L Ed 2d 923 (1973).

The State plays a passive and very limited role in the implementation of this chapter, serving principally as a mere conduit through which institutions may borrow funds for the purposes of the act on a tax-free basis. Hunt v McNair, 258 SC 97, 187 SE2d 645 (1972), aff'd 413 US 734, 93 S Ct 2868, 37 L Ed 2d 923 (1973).

There is in no sense a banking relationship between the Authority and institutions which utilize this chapter. Hunt v McNair, 258 SC 97, 187 SE2d 645 (1972), aff'd 413 US 734, 93 S Ct 2868, 37 L Ed 2d 923 (1973).

§ 59–109–30. Definitions.

In this chapter, the following words and terms shall, unless the context otherwise requires, have the following meanings:

(a) *"Authority,"* shall mean the State Budget and Control Board of South Carolina acting as the Educational Facilities Authority for Private Nonprofit Institutions of Higher Learning.

(b) *"Project,"* shall mean a structure or structures available for use as a dormitory or other housing facility, including housing facilities for student nurses, a dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, and maintenance, storage or utility facility and other structures or facilities related thereto or required or useful for the instruction of students or the conducting of research or the operation of an institution for higher education, including parking and other facilities or structures essential or convenient for the orderly conduct of such institution for higher education, and shall also include landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended but shall not include such items as books, fuel, supplies or other items the costs of which are customarily deemed to result in a current operating charge, and shall not include any facility used or to be used for sectarian instruction or as a place of religious worship nor any facility which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination.

(c) *"Cost,"* as applied to a project or any portion thereof financed under the provisions of this chapter embraces all or any part of the cost of construction, acquisition, alteration, enlargement, reconstruction and remodeling of a project including all lands, structures, real or personal property, rights, rights-of-way, franchises, easements and interests acquired or used for or in connection with a project, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to, during and for a period of not more than two years after completion of such construction and acquisition, provisions for reserves for principal and interest and for extensions, enlargements, additions and improvements, the cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of constructing the project and such other expenses as may be necessary or incident to the construction and acquisition of the project, the financing of such construction and acquisition and the placing of the project in operation.

(d) *"Bonds,"* or *"revenue bonds,"* shall mean revenue bonds of the Authority issued under the provisions of this chapter, including revenue refunding bonds, notwithstanding that the same may be secured by mortgage or the full faith and credit of a participating institution for higher education or any other lawfully pledged security of a participating institution for higher education.

(e) *"Institution for higher learning,"* shall mean a nonprofit educational institution within the State authorized by law to provide a program of education beyond the high school level and which does not receive State financial support, but shall not include any State-supported institution.

(f) *"Participating institution for higher education,"* shall mean an institution for higher education which, pursuant to the provisions of this chapter, undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in this chapter.

HISTORY: 1962 Code § 22-41.2; 1969 (56) 444; 1975 (59) 47.

CASE NOTES

The scope of the Authority's power to assist institutions of higher education extends only to "projects." Hunt v McNair, 513 US 734, 93 S Ct 2868, 37 L Ed 2d 923 (1973).

Which do not include buildings, etc., used for religious purposes.—This section [Code 1962 § 22-41.2] specifically states that a project "shall not include" any buildings or facilities used for religious purposes. Hunt v McNair, 513 US 734, 93 S Ct 2868, 37 L Ed 2d 923 (1973).

Assumption as to proposed financing.—In the absence of evidence to the contrary, there exists an assumption that all of the proposed financing and refinancing relates to buildings and facilities within a properly delimited project. Hunt v McNair, 513 US 734, 93 S Ct 2868, 37 L Ed 2d 923 (1973).

§ 59–109–40. Authority created as public instrumentality consisting of members of State Budget and Control Board.

There is hereby created a body politic and corporate to be known as the "Educational Facilities Authority for Private Nonprofit Institutions of Higher Learning," hereinafter in this chapter called the Authority. The Authority is constituted a public instrumentality and the exercise by the Authority of the powers conferred by this chapter shall be deemed and held to be the performance of an essential public function. The Authority shall consist of the members from time to time of the State Budget and Control Board, ex officio; and all the functions and powers of the Authority are hereby granted to the State Budget and Control Board as an incident of its functions in connection with the public finances of the State.

HISTORY: 1962 Code § 22-41.3; 1969 (56) 444; 1975 (59) 47.

§ 59–109–50. Purpose of Authority; powers enumerated.

The purpose of the Authority shall be to assist institutions for higher education in the construction, financing and refinancing of projects, and for this purpose the Authority is authorized and empowered:

(a) To adopt rules and regulations for the conduct of its affairs and business;

(b) To adopt an official seal and alter the same at pleasure;

(c) To maintain an office at such place or places as it may designate;

(d) To sue and be sued in its own name, plead and be impleaded;

(e) To determine the location and character of any project to be financed under the provisions of this chapter, and to construct, reconstruct, remodel, maintain, manage, enlarge, alter, add to, repair, operate, lease, as lessee or lessor, and regulate the same, to enter into contracts for any or all of such purposes to enter into contracts for the management and operation of a project, and to designate a participating institution for higher education as its agent to determine the location and character of a project undertaken by such participating institution for higher education under the provisions of this chapter and as the agent of the Authority, to construct, reconstruct, remodel, maintain, manage, enlarge, alter, add to, repair, operate, lease, as lessee or lessor, and regulate the same, and as the agent of the Authority, to enter into contracts for any or all of such purposes, including contracts for the management and operation of such project;

(f) To issue bonds, including bond anticipation notes pursuant to §§ 11-17-10 to 11-17-110 and other obligations of the Authority for any of the purposes of this chapter and to fund or refund the same all as provided in this chapter.

(g) Generally, to fix and revise from time to time and charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by a project or any portion thereof and to contract with any person, partnership, association or corporation or other body public or private in respect thereof;

(h) To establish rules and regulations for the use of a project or any portion thereof and to designate a participating institution for higher education as its agent to establish rules and regulations for the use of a project undertaken for such participating institution for higher education;

(i) To employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;

(j) To receive and accept from any public agency loans or grants for or in aid of the construction of a project or any portion thereof, and to receive and accept loans, grants, aid or contributions from any source of either money, property, labor or other things of value to be held, used and applied only for the purposes for which such loans, grants, aid and contributions are made;

(k) To mortgage any project and the site thereof for the benefits of the holders of revenue bonds issued to finance such project;

(l) To issue bonds to refund outstanding obligation, mortgages or advances issued, made or given by a participating institution for higher education for the cost of a project;

(m) To charge to and apportion among participating institutions for higher education its administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter;

(n) To do all things necessary or convenient to carry out the purposes of this chapter.

HISTORY: 1962 Code § 22-41.4; 1969 (56) 444.

Research and Practice References—
Education. 24 SC L Rev 643.

CASE NOTES

Authority empowered to assist with refinancing projects.—Construction of new facilities serves the public purpose of educating students. Keeping the financial structure of the institution sound serves the same or a similar purpose. The legislature recognized this by empowering the Authority to assist institutions with refinancing projects, including the refunding of obligations issued by the institution. Hunt v McNair, 255 SC 71, 177 SE2d 362 (1970).

Quoted in Hunt v McNair, 513 US 734, 93 S Ct 2868, 37 L Ed 2d 923 (1973).

§ 59-109-60. Expenses.

All expenses incurred in carrying out the provisions of this chapter shall be payable solely from funds provided under the authority of this chapter and no liability shall be incurred by the Authority hereunder beyond the extent to which moneys shall have been provided under the provisions of this chapter.

HISTORY: 1962 Code § 22-41.5; 1969 (56) 444.

CASE NOTES

Cited in Hunt v McNair, 513 US 734, 93 S Ct 2868, 37 L Ed 2d 923 (1973).

§ 59-109-70. Acquisition of property by Authority.

The Authority is authorized and empowered directly or by and through a participating institution for higher education, as its agent, to acquire by purchase solely from funds provided under the authority of this chapter, or by gift or devise, such lands, structures, property, real or personal, rights, rights-of-way, franchises, easements and other interests in lands, including lands lying under water and riparian rights, which are located within the

State as it may deem necessary or convenient for the construction or operation of a project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the Authority or in the name of a participating institution for higher education as its agent.

HISTORY: 1962 Code § 22-41.6; 1969 (56) 444.

§ 59–109–80. Transfer of property to participating institution after payment of bonds.

When the principal of and interest on revenue bonds of the Authority issued to finance the cost of a particular project or projects at a participating institution for higher education, including any revenue refunding bonds issued to refund and refinance such revenue bonds, have been fully paid and retired or when adequate provision has been made to fully pay and retire the same, and all other conditions of the trust indenture authorizing the same have been satisfied and the lien of such trust indenture has been released in accordance with the provisions thereof, the Authority shall promptly do such things and execute such deeds and conveyances as are necessary and required to convey title to such project or projects to such participating institution for higher education, free and clear of all liens and encumbrances, all to the extent that title to such project or projects shall not, at the time, then be vested in such participating institution for higher education.

HISTORY: 1962 Code § 22-41.7; 1969 (56) 444.

CASE NOTES

No property of the State, as such, is involved inasmuch as the State will acquire (at no cost to the State) a title subject to certain conditions, one of which is an option in favor of the Baptist College to reacquire the property so conveyed to the State. Hunt v McNair, 255 SC 71, 177 SE2d 362 (1970).

Analogous situation.—Here the situation is analogous to the option to purchase the industrial revenue project granted the industry by the South Carolina Industrial Revenue Bond Act, the validity of which provision was upheld. Hunt v McNair, 255 SC 71, 177 SE2d 362 (1970).

Reconveyance part of overall contract.—When the reconveyance shall take place, it will be a part of the overall contract, and of the consideration for the contract existing ab initio, and not a contract arising subsequent to the issuance of the bonds. Hunt v McNair, 255 SC 71, 177 SE2d 362 (1970).

§ 59–109–90. Bond anticipation notes; issuance, terms, form and execution of bonds and notes.

(a) In anticipation of the sale of such revenue bonds, the Authority may issue bond anticipation notes.

(b) The revenue bonds and notes of every issue shall be payable solely out of revenues of the Authority derived from the particular project for which they are issued.

Notwithstanding that revenue bonds and notes may be payable from a special fund, they shall be and be deemed to be, for all purposes, negotiable instruments, subject only to the provisions of the revenue bonds and notes for registration.

(c) The revenue bonds may be issued as serial bonds or as term bonds, or the Authority, in its discretion, may issue bonds of both types. The revenue bonds shall be authorized by resolution of the Authority and shall bear such date, mature at such time, not exceeding fifty years from their respective dates, bear interest at such rate, not exceeding eight percent per annum, payable at such time, be in denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place, and be subject to such terms of redemption, as such resolution may provide. The revenue bonds or notes may be sold at public or private sale for such price as the Authority shall determine, but which shall not at the time of sale yield more than eight percent per annum computed according to standard tables of bond values.

(d) Any resolution authorizing any revenue bonds or any issue of revenue bonds may contain provisions, which shall be a part of the contract with the holders of the revenue bonds to be authorized, as to:

(1) Pledging all or any part of the revenues of a project including revenues to be derived from a leasing of such project to secure the payment of the revenue bonds issued to defray the cost, or any portion of the cost, of such project; (2) the rentals, fees and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues; (3) the setting aside of reserves or sinking funds, and the regulation and disposition thereof; (4) limitations on the right of the Authority or its agent to restrict and regulate the use of the project; (5) limitations on the purpose to which the proceeds of sale of any issue of revenue bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the revenue bonds or any issue of the revenue bonds; (6) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds; (7) the procedure, if any, by which the terms

of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given; (8) limitations on the amount of moneys derived from the project to be expended for operating, administrative or other expenses of the Authority; (9) defining the acts or omissions to act which shall constitute a default in the duties of the Authority to holders of its obligations and providing the rights and remedies of such holders in the event of a default; and (10) the mortgaging of a project and the site thereof for the purpose of securing the bondholders.

(e) Neither the members of the Authority nor any person executing the revenue bonds or notes shall be liable personally on the revenue bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof.

HISTORY: 1962 Code § 22-41.8; 1969 (56) 444.

§ 59–109–100. Trust agreement to secure bonds.

In the discretion of the Authority any revenue bonds issued under the provisions of this chapter may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the State. Such trust agreement or the resolution providing for the issuance of such revenue bonds may pledge or assign the revenues to be received from, or proceeds of any lease of, the project for whose cost, or any part thereof, such revenue bonds are issued and may convey or mortgage such project or any portion thereof. Such trust agreement or resolution providing for the issuance of such revenue bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of laws, including particularly such provisions as have hereinabove been specifically authorized to be included in any resolution of the Authority authorizing revenue bonds thereof. Any bank or trust company incorporated under the laws of the State which may act as depository of the proceeds of bonds or of revenues or other moneys may furnish such indemnifying bonds or pledge such securities as may be required by the Authority. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of a project.

§ 59–109–110. Bonds not deemed debt or liability of State or any political subdivision.

Revenue bonds issued under the provisions of this chapter shall not be deemed to constitute a debt or liability of the State or of any political subdivision thereof or a pledge of the faith and credit of the State or of any such political subdivision, but shall be payable solely from the funds herein provided therefor from revenues. All such revenue bonds shall contain on the face thereof a statement to the effect that neither the State of South Carolina nor the Authority shall be obligated to pay the same or the interest thereon except from revenues of the project or the portion thereof for which they are issued and that neither the faith and credit nor the taxing power of the State of South Carolina or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds. The issuance of revenue bonds under the provisions of this chapter shall not directly or indirectly or contingently obligate the State or any political subdivision thereof to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.

HISTORY: 1962 Code § 22-41.10; 1969 (56) 444.

CASE NOTES

State's credit can never be adversely affected.—Since the only remedies of the bondholders in the event of default is to pursue the rights of the Authority to collect from its lessee, and if need be, to foreclose the trust indenture and have the property sold, the State's credit can never be adversely affected. Hunt v McNair, 255 SC 71, 177 SE2d 362 (1970).

No public moneys as such expended. —Under this chapter no public moneys as such can be expended to institutions for higher education in the construction, financing and refinancing of projects as such term is defined in this chapter. The entire cost thereof is financed through the sale of bonds which are payable by the participating institution for higher education. Hunt v McNair, 255 SC 71, 177 SE2d 362 (1970).

Quoted in Hunt v McNair, 513 US 734, 93 S Ct 2868, 37 L Ed 2d 923 (1973).

§ 59–109–120. Rates, rents, fees and charges; disposition of moneys received.

The Authority may fix, revise, charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by each project and may contract with any person, partnership, association or corporation, or other body, public or private, in respect thereof. Such rates, rents, fees and charges shall be fixed and adjusted in respect of the aggregate of rates, rents, fees and charges from such project so as to provide funds sufficient with other revenues, if any, (1) to pay the cost of maintaining, repairing and operating the project and each and every portion thereof, to the extent that the payment of such cost has not otherwise been adequately provided for, (2) to pay the principal of and the interest on outstanding revenue bonds of the Authority issued in respect of such project as the same shall become due and payable and (3) to create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, such revenue bonds of the Authority. Such rates, rents, fees and charges shall not be subject to supervision or regulation by any department, commission, board, body, bureau or agency of this State other than the Authority. A sufficient amount of the revenues derived in respect of a project, except such part of such revenues as may be necessary to pay the cost of maintenance, repair and operation and to provide reserves and for renewals, replacements, extensions, enlargements and improvements as may be provided for in the resolution authorizing the issuance of any revenue bonds of the Authority or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or trust agreement in a sinking or other similar fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such revenue bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the rates, rents, fees and charges and other revenues or other moneys so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have notice thereof.

The use and disposition of money to the credit of such sinking or other similar fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Any such resolution or trust agreement shall provide that such sinking or other similar fund shall be the fund for a particular project at an institution for higher education from which such funds are derived and for the revenue bonds issued to finance such project and may, additionally, permit and provide for the issuance of revenue bonds having a subordinate lien in respect of the security herein authorized to other revenue bonds of the Authority and, in such case, the Authority may create separate or other similar funds in respect of such subordinate lien bonds.

HISTORY: 1962 Code § 22-41.11; 1969 (56) 444.

§ 59–109–130. Moneys received deemed trust funds.

All moneys received pursuant to the authority of this chapter, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this chapter. Any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustees of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this chapter and the resolution authorizing the bonds of any issue on the trust agreement securing such bonds may provide.

HISTORY: 1962 Code § 22-41.12; 1969 (56) 444.

§ 59–109–140. Enforcement of rights of bondholders.

Any holder of revenue bonds issued under the provisions of this chapter or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by any resolution authorizing the issuance of or any such trust agreement securing, such bonds, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the State or granted hereunder or under such resolution or trust agreement, and may enforce and compel the performance of all duties required by this chapter or by such resolution or trust agreement to be performed by the Authority or by any officer, employee or agent thereof, including the fixing, charging and collecting of the rates, rents, fees and charges herein authorized and required by the provisions of such resolution or trust agreement to be fixed, established and collected.

HISTORY: 1962 Code § 22-41.13; 1969 (56) 444.

§ 59–109–150. Exemption from taxation.

The exercise of the powers granted by this chapter will be in all respects for the benefit of the people of this State, for the increase of their commerce, welfare and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of a project by the Authority or its agent will constitute the performance of an essential public function, neither the Authority nor its agent shall be required to pay any taxes or assessments upon or in respect of a project or any property acquired or used by the Authority or its agent under the provisions of this chapter or upon the income therefrom, and any bonds issued under the provisions of this chapter, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the State and by the municipalities and other political subdivisions in the State.

HISTORY: 1962 Code § 22-41.14; 1969 (56) 444.

§ 59–109–160. Bonds as legal investments.

Bonds issued by authority under the provisions of this chapter are hereby made securities in which all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them.

HISTORY: 1962 Code § 22-41.15; 1969 (56) 444.

§ 59–109–170. Annual reports.

The Authority shall keep an accurate account of all its activities and of all its receipts and expenditures and shall annually in the month of January make a report thereof to its members, to the Governor and to the State Auditor, such reports to be in a form prescribed by the members, with the written approval of the Auditor.

HISTORY: 1962 Code § 22-41.16; 1969 (56) 444.

§ 59–109–180. Chapter as supplemental; Authority not subject to regulation, approval or consent of other agencies or the like.

The foregoing sections of this chapter shall be deemed to provide a complete, additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws; *provided,* the issuance of revenue bonds and revenue refunding bonds under the provisions of this chapter need not comply with the requirements of any other law applicable to the issuance of bonds. Except as otherwise expressly provided in this chapter none of the powers granted to the Authority under the provisions of this chapter shall be subject to the supervision or regulation or require the approval or consent of any municipality or political subdivision or any department, division, commission, board, body, bureau, official or agency thereof or of the State.

HISTORY: 1962 Code § 22-41.17; 1969 (56) 444.

State Institution Bonds

§ 59–107–10. Institutions to which chapter is applicable; "State institution" defined.

The several state-supported institutions of higher learning, within the contemplation of this chapter, are declared to be:

The University of South Carolina,
Clemson University, in Clemson,
The Citadel,
The Medical University of South Carolina,
Winthrop College,
South Carolina State College,
Francis Marion College,
Lander College,
The College of Charleston,
Technical Education Colleges and Centers.

Hereafter in this chapter such institutions shall be denoted by the term "state institution".

HISTORY: 1977 Act No. 249 Pt II § 1; 1979 Act No. 107 § 1, eff June 22, 1979.

Effect of Amendments—

The **1977** amendment inserted the words "Technical Education Colleges and Centers" in this section.

The **1979** amendment added Lander College to the list and deleted the words "in Columbia" which formerly followed "The University of South Carolina."

CASE NOTES

Technical education colleges and centers were properly included by the legislature within the meaning of "State Supported Institutions of Higher Learning," so as to make them eligible to issue bonds under the permission granted by Article X of the Constitution; thus, a technical college with a demonstrated ability to generate sufficient funds for certain contemplated bonds was properly permitted to avail itself of the Bond Act upon its compliance with the tuition fee requirement. Malone v Edwards (1978, SC) 247 SE2d 454.

§ 59–107–20. Tuition fees required at State institutions; "State Board" defined.

Tuition fees (as such term is defined in § 59–107–30) shall be required to be paid in such amount or amounts and under such conditions as the respective Board of Trustees, Area Commissions or, for any Technical Education College or Center not governed or supervised by an Area Commission, the State Board for Technical and Comprehensive Education, of such state institutions shall prescribe, with the approval of the State Budget and Control Board, hereafter in this chapter referred to as the "State Board". The provisions of this section shall not be construed as requiring uniformity of tuition fees at such state institutions nor shall they preclude a higher scale for non-residents of South Carolina.

HISTORY: 1977 Act No. 249 Pt II § 2.

Effect of Amendments—

The **1977** amendment inserted the words ", Area Commissions or, for any Technical Education College or Center not governed or supervised by an Area Commission, the State Board for Technical and Comprehensive Education," in the first sentence of this section.

§ 59–107–30. Remittance and application of tuition fees.

All tuition fees received by any State institution shall be remitted from time to time to the State Treasurer under such regulations as he shall prescribe. The State Treasurer shall apply the same as directed by this chapter. For all purposes of this chapter the term *"tuition fees"* shall include those fees charged by any State institution for tuition, matriculation and registration. The term *"tuition fees"* shall not include sums charged for enrolling in courses or classes offered at any summer school term or in any special seminar, nor shall the term relate to or include fees levied or charged for purposes other than for the purposes of this chapter.

HISTORY: 1962 Code § 22-23; 1953 (48) 169; 1960 (51) 1779; 1966 (54) 2263.

Research and Practice References—

The Constitutionality of Resident/Nonresident Tuition Differentials. 24 SC L Rev 398.

CASE NOTES

Technical education colleges and centers were properly included by the legislature within the meaning of "State Supported Institutions of Higher Learning," so as to make them eligible to issue bonds under the permission granted by Article X of the Constitution; thus, a technical college with a demonstrated ability to generate sufficient funds for certain contemplated bonds was properly permitted to avail itself of the Bond Act upon its compliance with the tuition fee requirement. Malone v Edwards (1978, SC) 247 SE2d 454.

§ 59–107–40. Application for funds for permanent improvements and other expenses; content of application.

The respective Boards of Trustees, Area Commissions, through the State Board for Technical and Comprehensive Education, or the State Board for Technical and Comprehensive Education for any Technical Education College or Center not governed and supervised by an Area Commission of such state institutions may make application to the State Board for funds to be used for any one or more of the following purposes: (a) to construct, reconstruct, maintain, improve, furnish and refurnish the buildings and other permanent improvements for such state institutions, (b) to defray the costs of acquiring or improving land needed as sites for such improvements or for the campus of any such state institution, (c) to reimburse such institution for expenses incurred in anticipation of the issuance of such bonds, or (d) to refund state institution bonds heretofore issued for such institutions and which shall on such occasion be outstanding. Such application shall contain:

(1) A description of the improvement sought, or the amount of outstanding bonds it wishes to have refunded;

(2) An estimate of cost, or an estimate of the money required to effect the refunding;

(3) A statement establishing the aggregate sum received from tuition fees for the twelve calendar months preceding the month in which such application is dated;

(4) The schedule of tuition fees in effect;

(5) A suggested maturity schedule for bonds issued pursuant to this chapter; and

(6) A statement showing the unmatured state institution bonds theretofore issued for such state institution.

The application shall contain an agreement upon the part of the Board of Trustees, Area Commission, or State Board for Technical and Comprehensive Education that such schedule of tuition fees shall be revised from time to time and whenever necessary to provide the annual principal and interest requirements on the proposed bonds and on all outstanding state institution bonds issued for such state institution.

HISTORY: 1977 Act No. 249 Pt II § 3.

Effect of Amendments—

The **1977** amendment inserted the words ", Area Commissions, through the State Board for Technical and Comprehensive Education, or the State Board for Technical and Comprehensive Education for any Technical Education College or Center not governed and supervised by an Area Commission" in the first sentence of the first paragraph of this section, and inserted the words ", Area Commission, or State Board for Technical and Comprehensive Education" in the last paragraph.

§ 59–107–50. Authority of State Board as to applications.

The State Board may approve, in whole or in part, or modify in any way that it sees fit any application made by any Board of Trustees, Area Commission, or by the State Board for Technical and Comprehensive Education of any of the state institutions and may direct the application of the principal proceeds of any bonds, issued pursuant to this chapter for such purpose if it shall have found:

(1) That a definite and immediate need therefor exists, or, in the event that the issuance of refunding bonds is sought, that it is to the advantage of the institution to effect the refunding of its outstanding bonds;

(2) That a satisfactory and proper schedule of tuition fees is in effect at such State institution;

(3) That the aggregate of tuition fees received by such institution for the twelve calendar months preceding the month in which the application made pursuant to § 59–107–40 is dated will, if multiplied by the number of years for which the bonds provided for by this chapter shall be outstanding, result in the production of a sum equal to not less than one hundred fifty percent of the estimated aggregate principal and interest requirements of all state institution bonds issued for such institution to be outstanding, but excluding bonds defeased pursuant to § 59–107–200 if the application is approved, except that subsequent to the effective date of the ratification of new Article X of the State Constitution the test imposed by subparagraph (b) of paragraph 6 of Section 13 of new Article X shall control the issuance of state institution bonds and the statutory test imposed by this paragraph (3) shall be disregarded;

(4) That the Board of Trustees, Area Commission, or State Board for Technical or Comprehensive Education of the state institution has agreed that such schedule of tuition fees may be revised from time to time and whenever necessary to provide not less than the sum needed to pay the annual principal and interest requirements on the proposed bonds and on all outstanding state institution bonds issued for such state institution.

HISTORY: 1976 Act No. 582 § 1; 1977 Act No. 249 Pt II § 4.

Effect of Amendments—

The **1976** amendment struck all material in item (3) following "all State institution bonds issued for" and substituted "such institution to be outstanding, but excluding bonds defeased pursuant to § 59–107–200 if the application is approved." therefor.

The **1977** amendment inserted the words ", Area Commission, or by the State Board for Technical and Comprehensive Education" in the introductory language of this section, inserted the material in item (3) following the words "if the application is approved", and inserted the words ", Area Commission, or State Board for Technical or Comprehensive Education" in item (4).

(b) General obligation bonds for any state institution of higher learning designated by the General Assembly (state institution bonds) may be issued, if such bonds shall be additionally secured by a pledge of the revenues derived from the tuition fees received by the particular institution of higher learning for which such state institution bonds are issued; *provided*, that the maximum annual debt service on all state institution bonds so additionally secured issued for such state institution thereafter to be outstanding shall not exceed ninety percent of the sums received by such state institution of higher learning from tuition fees for the fiscal year next preceding.

§ 59–107–60. Request for issuance of State institution bonds.

Cross references—

As to effect of new Article X of Constitution on bonds issued pursuant to this chapter, see § 11–27–30(4).

As to the payment of bonds issued pursuant to this chapter, see §§ 11–29–10 et seq.

Upon making the finding required of it by § 59–107–50, the State Board shall transmit to the Governor and to the State Treasurer a request for the issuance of State institution bonds. Such request shall set forth:

(1) The name of the State institution seeking funds, the amount of its application, and the annual principal and interest requirements on all outstanding State institution bonds issued for such State institution;

(2) A statement that the State Board has made the findings required of it by § 59–107–50, and the extent to which it has approved or modified the original application;

(3) The proposed maturity schedule of the bonds;

(4) The anticipated interest cost for each year during the life of the bonds;

(5) The anticipated aggregate annual principal and interest requirements for the bonds;

(6) The numbers and maturity dates of the bonds which shall be subject to redemption prior to their stated maturities;

(7) The proposed redemption premium schedule;

(8) The sum received by such State institution from tuition fees for the twelve calendar months preceding the month in which the application made pursuant to § 59–107–40 is dated; and

(9) The tuition fee schedule in effect at such State institution.

HISTORY: 1962 Code § 22-26; 1953 (48) 169; 1966 (54) 2263.

§ 59–107–70. Governor and State Treasurer empowered to authorize issuance of bonds.

It shall be the duty of the Governor and the State Treasurer to examine the request mentioned in § 59–107–60, and if they shall jointly approve it, and, for themselves, determine that the schedule of tuition fees in force at such State institution will, upon the basis of the sum received by such State institution from tuition fees for the twelve calendar months preceding the month in which the application made pursuant to § 59–107–40 is dated, produce funds sufficient to meet the principal and interest requirements on the proposed bonds and on all outstanding State institution bonds issued for such State institution, and provide the margin for such principal and interest requirements to the extent required by paragraph (3) of § 59–107–50, they shall be empowered to provide for the issuance of State institution bonds in the amount approved by the State Board.

HISTORY: 1962 Code § 22-27; 1953 (48) 169; 1966 (54) 2263.

Cross references—

As to minimum coverage of fund for payment of bonds, see § 59–107–50.

Research and Practice References—

64 Am Jur 2d, Public Securities and Obligations § 46.

14 CJS, Colleges and Universities § 3.

§ 59–107–80. Single issue of bonds may cover several applications.

If it shall happen that more than one application by State institutions shall receive the approvals required by §§ 59–107–50 to 59–107–70, at approximately the same time, the State institution bonds in an amount equal to the aggregate of the approved applications may be issued as a single issue.

HISTORY: 1962 Code § 22-28; 1953 (48) 169.

As to the payment of bonds issued pursuant to this chapter, see §§ 11–29–10 et seq.

§ 59–107–90. Maximum amount of outstanding bonds.

Notwithstanding any other provision of this chapter, there shall not be outstanding at any given time State institution bonds for all institutions in excess of sixty million dollars except that in computing such debt limitation all bonds defeased pursuant to § 59–107–200 shall be deducted from the aggregate of State institution bonds outstanding at such time.

HISTORY: 1976 Act No. 582, § 2; 1979 Act No. 194 Part I § 8, apparently effective Aug. 8, 1979.

Effect of Amendments—

The **1976** amendment substituted "Notwithstanding any other provision of this chapter" for "Other provisions of this chapter to the contrary notwithstanding", and substituted "such debt limitation all bonds defeased pursuant to § 59–107–200" for "the debt limitation herein prescribed the actual cash value of funds held by the State Treasurer pursuant to § 59–107–180".

The **1979** amendment raised the limitation from fifty to sixty million dollars.

Cross references—

As to effect of new Article X of Constitution on debt limitation of bonds issued pursuant to this chapter, see § 11–27–30(4).

§ 59–107–100. Full faith, credit and taxing power of State pledged to pay bonds.

For the payment of the principal and interest on all State institution bonds, whose issuance is authorized by this chapter, there shall be pledged the full faith, credit and taxing power of the State.

HISTORY: 1962 Code § 22-30; 1953 (48) 169.

Cross references—

As to effect of new Article X of Constitution on securing of bonds issued pursuant to this chapter, see § 11–27–30(4).

§ 59–107–110. Negotiability and registration.

State institution bonds issued pursuant to this chapter may be in the form of negotiable coupon bonds, payable to bearer, with the privilege to the holder of having them registered in his name on the books of the State Treasurer as to principal only, or as to both principal and interest, and such principal, or both principal and interest, as the case may be, thus made payable to the registered holder, subject to such conditions as the State Treasurer may prescribe. State institution bonds so registered as to principal in the name of the holder may thereafter be registered as payable to bearer and made payable accordingly.

State institution bonds may also be issued as fully registered bonds with both principal and interest thereof made payable only to the registered holder. Such fully registered bonds shall be subject to transfer under such conditions as the State Treasurer may prescribe. Such fully registered bonds may, if the proceedings authorizing their issuance so provide, be convertible into negotiable coupon bonds with the attributes set forth in the first paragraph of this section.

HISTORY: 1962 Code § 22-31; 1953 (48) 169; 1957 (50) 138, 404.

Research and Practice References—

20 Am Jur Pl & Pr Forms (Rev ed), Public Securities and Obligations, Form 52 (complaint, petition, or declaration to recover bond coupon interest).

15 Am Jur Legal Forms 2d, Public Securities and Obligations, § 214:76 (registration form).

§ 59–107–120. Denominations of bonds; interest rate; maturity; redemption.

The state institution bonds must be in the denomination of one thousand dollars or in any multiple thereof. They shall bear interest, payable semiannually, at a rate or rates not exceeding the maximum interest rate specified in the State Board's request for the issuance of the state institution bonds. Each issue of state institution bonds shall mature in annual series or installments, the last of which shall mature not more than twenty years after the date of the bonds. The installments or series may be equal or unequal in amount. The state institution bonds may, in the discretion of the State Board, be made subject to redemption at par and accrued interest, plus such redemption premium as it may approve, and on such occasions as may be specified in the request for the issuance of the state institution bonds. State institution bonds may not be redeemable before maturity unless they contain a statement to that effect.

HISTORY: 1984 Act No. 337, eff April 23, 1984.

Effect of Amendments—

The **1984** amendment changed "shall" to "must" in the first sentence, deleted clause in third sentence providing that no bonds shall be issued under authority of this chapter to mature after 1995, and deleted the capitalization of "state" throughout the section.

HISTORY: 1962 Code § 22-32; 1953 (48) 169; 1957 (50) 138, 404; 1961 (52) 476; 1966 (54) 2263.

Cross references—

As to maximum rate of interest on obligations of the State or its political subdivisions, see § 11–9–350.

Research and Practice References—

64 Am Jur 2d, Public Securities and Obligations §§ 195, 197, 201, 202.

15 Am Jur Legal Forms 2d, Public Securities and Obligations, §§ 214:91–214:98 (call and redemption provisions).

CASE NOTES

Quoted in Arthur v Byrnes, 224 SC 51, 77 SE2d 311 (1953).

§ 59–107–130. Execution of bonds; form, denomination and the like.

All State institution bonds issued pursuant to this chapter shall be signed by the Governor and the State Treasurer. In the instance of the Governor, he may sign such obligations by a facsimile of his signature. The Great Seal of the State shall be affixed to, impressed or reproduced upon each of them and shall be attested by the Secretary of State. The coupons attached to the

State institution bonds shall be authenticated by a facsimile signature of the State Treasurer who is in office on the date of such State institution bonds. The delivery of the State institution bonds so executed and authenticated shall be valid notwithstanding any changes in officers or seal occurring after such execution or authentication. The State institution bonds shall be issued in such form and denomination and with such provisions as to time, place or places, and medium of payment, as may be determined by the State Board within the limitations of this chapter.

HISTORY: 1962 Code § 22-33; 1953 (48) 169.

Research and Practice References—

64 Am Jur 2d, Public Securities and Obligations §§ 182 et seq.

15 Am Jur Legal Forms 2d, Public Securities and Obligations, § 214:72 (general obligation bond).

§ 59-107-140. Bonds exempt from taxes.

The bonds authorized by this chapter and all interest to become due thereon shall have the tax-exempt status prescribed by § 12-1-60.

HISTORY: 1962 Code § 22-34; 1953 (48) 169.

§ 59-107-150. Bonds as legal investments.

It shall be lawful for all executors, administrators, guardians, fiduciaries and sinking fund commissions to invest any moneys in their hands in State institution bonds.

HISTORY: 1962 Code § 22-35; 1953 (48) 169.

§ 59-107-160. Sale of bonds.

State institution bonds may be privately placed if the terms and conditions of such disposition shall be approved by resolution duly adopted by the State Board and the terms of such proposal meet the financial test prescribed in the second paragraph of this section.

All other State institution bonds shall be sold by the Governor and the State Treasurer upon sealed proposals, after publication of notice of the sale one or more times at least ten days before the sale in a newspaper of general circulation in the State and also in a financial paper published in New York City which regularly publishes notices of sale of state or municipal bonds. In all calls for bids, the right shall be reserved to reject all bids and readvertise for the sale of the bonds. Upon the opening of bids the Governor and the State Treasurer shall determine the most advantageous bid, and if one hundred fifty per cent of the aggregate principal and interest requirements on (a) bonds sold in accordance with the most advantageous bid and (b) all outstanding State institution bonds issued for such State institution is within the estimate of the tuition fees to be received by the State institution or institutions for which such bonds are issued, made on the basis required by item (3) of § 59-107-50, and if they shall find that one hundred fifty per cent of the aggregate principal and interest requirements, calculated in accordance with the formula prescribed by § 59-107-50, does not exceed the estimate, they may award the State institution bonds on such bid, at a price not less than par and accrued interest to the date of delivery. For the purpose of bringing about a successful sale of such bonds, the State Board may do all things ordinarily and customarily done in connection with the sale of state or municipal bonds. All expenses incident to the sale of the bonds shall be paid from the proceeds of the bonds.

HISTORY: 1962 Code § 22-36; 1953 (48) 169; 1957 (50) 138; 1961 (52) 476; 1965 (54) 148.

Research and Practice References—

64 Am Jur 2d, Public Securities and Obligations §§ 218 et seq.

15 Am Jur Legal Forms 2d, Public Securities and Obligations, §§ 214:51 et seq. (sale).

§ 59–107–170. Deposit and use of proceeds of bonds.

The proceeds of sale of State institution bonds shall be received by the State Treasurer and placed in a fund to the credit of the State Board subject to withdrawal on their order, except that all accrued interest received shall be used by him to discharge the first installment of interest coming due, and any premium shall be used to discharge the first installment of principal coming due on such bonds. On the occasion that he receives the proceeds of State institution bonds from the purchaser, the State Treasurer shall segregate the proceeds for the account of the State institution or institutions for which the bonds shall be issued. The purchasers of the State institution bonds shall in no wise be liable for the application of the proceeds of the bonds to the purposes for which they are intended.

HISTORY: 1962 Code § 22-37; 1953 (48) 169.

§ 59–107–180. Tuition fees placed in special fund to pay bonds; application of surplus.

Immediately following the determination of the Governor and the State Treasurer to provide for the issuance of State institution bonds, the Treasurer shall segregate into a special fund all tuition fees of the State institution for which State institution bonds are to be issued and shall apply such special fund to the payment of the principal, interest and redemption premium, if any, on all bonds issued pursuant to this chapter for such institution, except that in all instances where the special fund established for the bonds of any such institution shall exceed (a) all payments of principal and interest due in the then current fiscal year, plus (b) the maximum annual debt service requirements in any succeeding fiscal year of all State institution bonds outstanding for such institution, the Treasurer may upon direction of the State Board apply moneys in excess of the sum of (a) and (b) above: (1) to the defeasance of State institution bonds for such institution as provided in § 59–107–200; or (2) to any purpose set forth in clauses (a), (b) and (c) of the first paragraph of § 59–107–40. In the event the surplus is to be applied to the defeasance of bonds, the maximum annual debt service requirements shall be computed as though the bonds to be defeased had already been defeased.

HISTORY: 1976 Act No. 582 § 3.

Effect of Amendments—

The **1976** amendment substituted this section for the former first paragraph of the section, and deleted the former second and third paragraphs.

§ 59–107–190. Declaration of sufficiency of tuition fees to pay bonds.

The General Assembly finds that the tuition fees charged at the several State institutions, if maintained and applied in the manner prescribed by this chapter, will be sufficient to provide for the payment of the principal and interest on State institution bonds issued pursuant to this chapter, without resorting to a property tax.

HISTORY: 1962 Code § 22-39; 1953 (48) 169.

§ 59–107–200. Defeasance of bonds; trust fund established.

Upon the direction of the State Board, the State Treasurer may apply all or any part of the surplus, as defined in this section, of the special fund established pursuant to § 59–107–180, applicable to the state institution bonds of any state institution to the defeasance of any of such bonds by establishing an irrevocable trust therefor which shall consist of either moneys in an amount which shall be sufficient, or direct obligations of the United States of America, or obligations unconditionally guaranteed by the United States of America, the principal and interest on which when due will provide the sums required to pay the principal, interest and redemption premium, if any, of the particular state institution bonds sought to be defeased. The trust fund shall be established in such manner as to designate the state institution bonds intended to be defeased. When so established, the state institution bonds shall be deemed to be defeased and shall not be deemed to be outstanding for all purposes of this chapter. The term surplus shall mean the sum remaining in the special fund after deducting therefrom (a) all payments of principal and interest due in the then current fiscal year plus (b) the maximum annual debt service requirements of any subsequent fiscal year of all state institution bonds to be outstanding for such institution following the establishment of the irrevocable trust authorized by this section. *Provided,* that notwithstanding the establishment of the irrevocable trust fund, the obligation of the State to pay to the holders of the defeased bonds all sums due by way of principal and interest shall not be deemed to be impaired.

The General Assembly is mindful of the fact that the law in effect at the time of the issuance of any state institution bonds is a part of the contract between the State and the holders of such bonds.

It is not intended that §§ 59–107–50, 59–107–90, 59–107–180 and 59–107–200 shall impair or modify the contract existing between the State and the holders of state institution bonds now outstanding. Accordingly, the use of surplus money in the sinking funds established by § 59–107–180 for capital improvements shall not be undertaken until all bonds outstanding on May 11, 1976 have been paid or provision for their payment has been made. It is further prescribed that in the event of a deficiency in revenues required to pay the principal or interest of any state institution bonds outstanding on May 11, 1976, resort may be had by the holders of such bonds to any special trust established to defease other state institution bonds outstanding on May 11, 1976 and, in which event, it shall become the duty of the trustees, Area Commissions, or the State Board for Technical and Comprehensive Education of the applicable state institutions to increase tuition fees to the extent necessary to restore such special Trust Fund.

HISTORY: 1962 Code § 22-40; 1976 Act No. 582 §§ 4, 5; 1977 Act No. 249 Pt II § 5.

Effect of Amendments—

The 1977 amendment inserted the words ", Area Commissions, or the State Board for Technical and Comprehensive Education" in the last sentence of the third paragraph.

STATE CAPITAL IMPROVEMENT BOND ISSUANCE COMMITTEE

Sec.
2-47-10. Declaration of legislative findings.
2-47-20. Joint Board Review Committee created; membership; expenses and assistance.
2-47-25. Additional committee members to be appointed.
2-47-30. Powers and duties.
2-47-40. Information to be furnished by agencies and institutions.
2-47-50. Establishment of permanent projects by Board.

§ 2-47-10. Declaration of legislative findings.

The General Assembly finds that a need exists for careful planning of permanent improvements and of the utilization of State general obligation and institutional bond authority in order to ensure the continued favorable bond credit rating our State has historically enjoyed. It further finds that the responsibility for proper management of these matters is placed upon the General Assembly by our State Constitution. It is the purpose of this resolution to further ensure the proper legislative response in the fulfillment of this responsibility.

HISTORY: 1976 Act No. 761 § 1; 1979 Act No. 194 Part I § 10, apparently effective Aug. 8, 1979.

Effect of Amendments—

The **1979** amendment substantially rewrote the first sentence.

Cross references—

For requirement that capital improvement bond bill be introduced prior to April first, see § 2-7-100.

§ 2-47-20. Joint Bond Review Committee created; membership; expenses and assistance.

There is hereby created a six member joint committee of the General Assembly to be known as the Joint Bond Review Committee to study and monitor policies and procedures relating to the approval of permanent improvement projects and to the issuance of State general obligation and institutional bonds; to evaluate the effect of current and past policies on the bond credit rating of the State; and provide advisory assistance in the establishment of future capital management policies. Three members shall be appointed from the Senate Finance Committee by the chairman thereof and three from the Ways and Means Committee of the House of Representatives by the chairman of that committee. Terms of members of the committee shall correspond to the terms for which they are elected to the General Assembly. The committee shall elect officers of the committee, but any person so elected may succeed himself if elected to do so.

The expenses of the committee shall be paid from approved accounts of both houses. The Legislative Council and all other legislative staff organizations shall provide such assistance as the joint committee may request.

HISTORY: 1976 Act No. 761 § 2; 1979 Act No. 194 Part I § 10, apparently effective Aug. 8, 1979.

Editor's Note—

1984 Act No. 479, § 10, provides as follows: "The Joint Bond Review Committee shall schedule the authorizations as provided in this act into the priority schedule it has previously adopted."

Effect of Amendments—

The 1979 amendment substantially rewrote the first sentence.

Cross references—

For requirement that capital improvement bond bill be introduced prior to April first, see § 2–7–100.

As to information to be furnished Joint Bond Review Committee by South Carolina State Family Farm Development Authority concerning proposed bond issue of Authority, see §§ 46–47–140, 46–47–150.

As to issuance of revenue bonds by trustees of Medical University of South Carolina for student and faculty housing facilities, see §§ 59–123–210 et seq.

As to review of agreements regarding parking facilities for the College of Charleston, see § 59–131–10.

§ 2–47–25. Additional committee members to be appointed.

In addition to the members provided for by § 2–47–20, two additional members shall be appointed by the Chairman of the Ways and Means Committee of the House of Representatives from the membership of that body. Two additional members shall be appointed by the Chairman of the Finance Committee of the Senate from the membership of the Senate. Members shall serve the same terms as the members of the committee provided for in § 2–47–20.

HISTORY: 1981 Act No. 179 § 14, eff September 24, 1981.

§ 2–47–30. Powers and duties.

The committee is specifically charged with, but not limited to, the following responsibilities:

(1) To review, prior to approval by the Budget and Control Board, the establishment of any permanent improvement project and the source of funds for any such project not previously authorized specifically by the General Assembly.

(2) To study the amount and nature of existing general obligation and institutional bond obligations and the capability of the State to fulfill such obligations based on current and projected revenues.

(3) To recommend priorities of future bond issuance based on the social and economic needs of the State.

(4) To recommend prudent limitations of bond obligations related to present and future revenue estimates.

(5) To consult with independent bond counsel and other non-legislative authorities on such matters and with fiscal officials of other states to gain in-depth knowledge of capital management and assist in the formulation of short and long-term recommendations for the General Assembly.

(6) To carry out all of the above assigned responsibilities in consultation and cooperation with the executive branch of government and the Budget and Control Board.

(7) To report its findings and recommendations to the General Assembly annually or more frequently if deemed advisable by the committee.

HISTORY: 1976 Act No. 761 § 3; 1979 Act No. 194 Part I § 10, apparently effective Aug. 8, 1979.

Editor's Note—

Section 1 of 1981 Act No. 179 provides as follows:

"SECTION 1. As an incident to the enactment of this act the General Assembly has made the following findings:

"Section 3 of Act 761 of 1976, as last amended by Section 10 of Part I of Act 194 of 1979, charged the Joint Capital Improvement Bond Review Committee with the responsibility of studying the amount and nature of existing general and institutional bond obligations based on current and projected revenues, and gaining in-depth knowledge of capital management. The Committee was also given the mandate of recommending prudent limitations of bond obligations related to present and future revenue estimates and priorities for future bond issuance based on the social and economic needs of the State.

"The Joint Capital Improvement Bond Committee has studied the State's capital financing position and options with the intent of using the 1981 Bond Bill to minimize the State's cost for capital budgeting and maximizing the public's benefit. The 1982 session of the General Assembly will be used for further study with independent bond counsel and other State's fiscal officials with the intent of recommending a 1982 Bond Bill that will enhance capital management and policy in South Carolina by improving existing laws and policies, and adding new ones.

"In the short run, the State's capital financing program will be severely constrained by the State's budget limitations. The costs of financing new buildings with bonds have doubled and the payback time has been halved. Each new building requires new personnel and new operating monies which must be absorbed by the State budget. Theoretically, the State could issue over a billion dollars of bonds over the next decade and remain under the statutory five percent (of prior year's revenue) limitation for debt service. However it is unlikely that the State's budget could afford the thirteen to eighteen million dollars a year increase required for this debt service, or the attendant increase in annual operating costs. Debts incurred will need to go to the renovations and improvements of existing buildings so that new personnel and operating budgets will not be required, and major renovations and replacement building won't be necessary in the long run.

"The Joint Bond Review Committee has recommended in the 1981 Bond Bill projects that are renovations and/or improvements of existing state capital, and supplements to ongoing capital projects. The few new facilities recommended are necessary or have significant social or economic implications. All of the authorizations to the colleges and universities will be reduced, sometimes completely, because of a new proviso that would require these institutions to use their own debt service capacities to the fullest extent possible. The Committee also recommends a proviso which would ensure that the debt service increases be related to the available revenue, and that no project requiring additional general fund appropriations for operations be started without specific approval of the Budget and Control Board and the Joint Bond Review Committee. Those projects that do require additional appropriations will be delayed until the necessary funds are identified. As a part of the ongoing Bond process every project request must now include a detailed five year operations and personnel projection. Another new proviso would require a detailed five year biennially updated capital plan from every agency or institution requesting bond authorizations from the legislature. These plans will assist the General Assembly in formulating a comprehensive economic and social development strategy maximizing the impact of and benefit from the use of public funds for capital investment.

"The Committee has amended the Industrial Development Bond Act in order to activate private actions and induce private investment in the State, as recommended by capital financing literature. Since the enactment of the Industrial Development Bond Act in 1967 other states have enacted legislation permitting political subdivisions to use revenue bond financing to induce a wide variety of commercial and recreational enterprises to locate such enterprises in those states. Such legislation gives other states an advantage over South Carolina in inducing such enterprises to locate therein.

"It is the public policy of South Carolina actively to promote, attract, and encourage and develop economically sound and beneficial commerce and industry, to increase trade, and to promote the health, prosperity and welfare of the inhabitants of this State by encouraging the development of facilities to provide employment and public recreation for the inhabitants of this State and to attract tourists from other states. The good order of this State and the health, prosperity and welfare of its inhabitants depend upon the steady employment, in all useful occupations, of the inhabitants of the State.

"Stable and useful employment can be made available for the inhabitants of South Carolina by financing the construction, acquisition, expansion and modernization of facilities for new and existing industrial, manufacturing, commercial, and recreational enterprises to locate, remain and expand in this State. The availability of financial assistance and suitable facilities are important inducements to industrial, manufacturing, commercial, and recreational enterprises to locate, remain and expand in this State."

1984 Act No. 479, § 10, provides as follows: "The Joint Bond Review Committee shall schedule the authorizations as provided in this act into the priority schedule it has previously adopted."

Effect of Amendments—

The **1979** amendment added item (1); renumbered former item (1) as item (2); substituted the words "general obligation and institutional bond" for the words "capital bond" in item (2); and renumbered former items (2) through (6) as items (3) through (7) respectively.

Cross references—

For requirement that capital improvement bond bill be introduced prior to April first, see § 2-7-100.

§ 2–47–35. Establishment of funding priorities.

No project authorized in whole or in part for capital improvement bond funding under the provisions of Act 1377 of 1968, as amended, may be implemented until funds can be made available and until the Joint Bond Review Committee, in consultation with the Budget and Control Board, establishes priorities for the funding of the projects. The Joint Bond Review Committee shall report its priorities to the members of the General Assembly within thirty days of the establishment of the funding priorities.

HISTORY: 1986 Act No. 547, § 3, eff June 9, 1986.

Cross references—

As to the State Budget and Control Board generally, see §§ 1-11-10 et seq.

§ 2–47–40. Information to be furnished by agencies and institutions.

To assist the State Budget and Control Board (the Board) and the Joint Bond Review Committee (the Committee) in carrying out their respective responsibilities, any agency or institution requesting or receiving funds from any source for use in the financing of any permanent improvement project, as a minimum, shall provide to the Board, in such form and at such times as the Board, after review by the Committee, may prescribe: (a) a complete description of the proposed project; (b) a statement of justification for the proposed project; (c) a statement of the purposes and intended uses of the proposed project; (d) the estimated total cost of the proposed project; (e) an estimate of the additional future annual operating costs associated with the proposed project; (f) a statement of the expected impact of the proposed project on the five-year operating plan of the agency or institution proposing the project; (g) a proposed plan of financing the project, specifically identifying funds proposed from sources other than capital improvement bond authorizations; and (h) the specification of the priority of each project among those proposed.

All institutions of higher learning shall submit permanent improvement project proposal and justification statements to the Board through the Commission on Higher Education which shall forward all such statements and all supporting documentation received to the Board together with its comments and recommendations. The recommendations of the Commission on Higher Education, among other things, shall include all of the permanent improvement projects requested by the several institutions listed in the order of priority deemed appropriate by the Commission on Higher Education without regard to the sources of funds proposed for the financing of the projects requested.

The Board shall forward a copy of each project proposal and justification statement and supporting documentation received together with the Board's recommendations on such projects to the Committee for its review and action. The recommendations of the Commission on Higher Education shall be included in the materials forwarded to the Committee by the Board.

No provision in this section or elsewhere in this chapter, shall be construed to limit in any manner the prerogatives of the Committee and the General Assembly with regard to recommending or authorizing permanent improvement projects and the funding such projects may require.

HISTORY: 1980 Act No. 518, § 11, apparently eff June 11, 1980.

§ 59–29–190. Advanced placement courses for academically talented students.

Each school district shall provide advanced placement courses in all secondary schools of the district which enroll an adequate number of academically talented students to support the course. By August 15, 1984, the State Board of Education by regulation shall specify what constitutes an advanced placement course and an adequate number of students for these programs. Students successfully completing the advanced placement requirements shall receive advanced placement credit in post-secondary public colleges in South Carolina in the manner specified by the Commission on Higher Education in conjunction with the State Board of Education.

HISTORY: 1984 Act No. 512, Part II, § 9, Division II, Subdivision A, SupPart 4, § 1, became law on June 28, 1984, without the Governor's signature.

§ 59–24–20. Requirements for admission to graduate programs in school administration.

Beginning with the school year 1986–87, the Commission on Higher Education, with the assistance of the State Board of Education, shall require all state-supported colleges and universities which offer graduate degrees in school administration to increase the entrance requirements for admission to these graduate programs and shall specifically enumerate what increases are necessary to each college and university offering these programs.

HISTORY: 1984 Act No. 512, Part II, § 9, Division II, Subdivision D, SubPart 1, § 1, became law on June 28, 1984, without the Governor's signature.

§ 59–29–210. Emphasis on teaching as profession.

The Governor's schools for talented high school students and the gifted and talented programs shall emphasize the importance of the teaching profession.

HISTORY: 1984 Act No. 512, Part II, § 9, Division II, Subdivision C, SubPart 1, § 2, became law on June 28, 1984, without the Governor's signature.

Cross references—

As to colleges and universities emphasizing teaching as a career opportunity, see § 59–103–120.

RESIDENCY FOR TUITION AND FEES

SEC.
59-112-10. Definitions.
59-112-20. South Carolina domicile defined for purposes of rates of tuition and fees.
59-112-30. Effect of change of residency.
59-112-40. Effect of marriage.
59-112-50. Military personnel and their dependents.
59-112-60. Faculty, administrative employees and dependents thereof.
59-112-70. Abatement of rates for nonresidents on scholarship.
59-112-80. Administration of chapter; burden of proving eligibility on students.
59-112-90. Penalties for willful misrepresentations.
59-112-100. Regulations.

§ 59-112-10. Definitions.

As used in this chapter:

A. The words 'State Institution' mean those post-secondary educational institutions under the jurisdiction of:

(1) the Board of Trustees, Clemson University;

(2) the Board of Trustees, Medical University of South Carolina;

(3) the Board of Trustees, South Carolina State College;

(4) the Board of Trustees, College of Charleston;

(5) the Board of Trustees, Lander College;

(6) the Board of Trustees, Francis Marion College;

(7) the Board of Visitors, The Citadel;

(8) the Board of Trustees, the University of South Carolina;

(9) the Board of Trustees, Winthrop College;

(10) the State Board for Technical and Comprehensive Education.

B. The word "student" shall mean any person enrolled for studies in any State Institution.

C. The word "residence" or "reside" shall mean continuous and permanent physical presence within this State, *provided,* that temporary absences for short periods of time shall not affect the establishment of a residence.

D. The word "domicile" shall mean a person's true, fixed, principal residence and place of habitation; it shall indicate the place where such person intends to remain, and to which such person expects to return upon leaving without establishing a new domicile in another state. For purposes of this section one may have only one legal domicile; one is presumed to abandon automatically an old domicile upon establishing a new one. Housing provided on an academic session basis for students at State Institutions shall be presumed not to be a place of principal residence, as residency in such housing is by nature temporary.

E. The words "in-state rates" shall mean charges for tuition and fees established by State Institutions for persons who are domiciled in

South Carolina in accordance with this chapter; the words "out-of-state rates" shall mean charges for tuition and fees established by State Institutions for persons who are not domiciled in South Carolina in accordance with this chapter.

F. The words "independent person" shall mean a person in his majority, or an emancipated minor, whose predominant source of income is his own earnings or income from employment, investments, or payments from trusts, grants, scholarships, loans or payments of alimony or separate maintenance made pursuant to court order.

G. The words "dependent" or "dependent person" mean:

(1) one whose financial support is provided not through his own earnings or entitlements, but whose predominant source of income or support is payments from a parent, spouse, or guardian, and who qualifies as a dependent or an exemption on the federal tax return of the parent, spouse, or guardian; or

(2) one for whom payments are made, under court order, for child support and the cost of his college education by an independent person meeting the provisions of Section 59-112-20 A or B.

The words "dependent" or "dependent person" do not include a spouse or former spouse who is the recipient of alimony or separate maintenance payments made pursuant to court order.

H. The word "minor" shall mean a person who has not attained the age of eighteen years; and the words "emancipated minor" shall mean a minor whose parents have entirely surrendered the right to the care, custody and earnings of such minor and are no longer under any legal obligation to support or maintain such minor.

I. The word "parent" shall mean a person's natural or adoptive father or mother; or if one parent has custody of the child, the parent having custody; or if there is a guardian or other legal custodian of such person, then such guardian or legal custodian; *provided*, however, that where circumstances indicate that such guardianship or custodianship was created primarily for the purpose of conferring South Carolina domicile for tuition and fee purposes on such child or dependent person, it shall not be given such effect.

J. The word "spouse" shall mean the husband or wife of a married person.

HISTORY: 1978 Act No. 466 § 1, eff April 17, 1978; 1988 Act No. 510, § 10, eff May 5, 1988; 1988 Act No. 578, eff May 29, 1988.

Effect of Amendment—

The **1988** amendment, by Act No. 510 in item A in the opening paragraph replaced "shall mean" with "mean" and replaced a colon with a dash, in A(4) replaced State College Board of Trustees with Board of Trustees for the College of Charleston, added new items A(5) and A(6) for Lander College and Francis Marion College, renumbered former items A(5)-A(8) accordingly, and replaced the semi-colon with a period at the end of each sub-item.

The **1988** amendment, by Act No. 578 in item "G" designated a portion of the item as sub-item (1) and inserted "or an exemption" following "dependent", added sub-item (2), designated the remaining portion of the item a second paragraph of the item and replaced "person" with "spouse or former spouse", and made grammatical changes.

Research and Practice References—

15A Am Jur 2d, Colleges and Universities § 19.

14 CJS, Colleges and Universities § 27.

§ 59–112–20. South Carolina domicile defined for purposes of rates of tuition and fees.

South Carolina domicile for tuition and fee purposes shall be established as follows in determinations of rates of tuition and fees to be paid by students entering or attending State Institutions:

A. Independent persons who reside in and have been domiciled in South Carolina for a period of no less than twelve months with an intention of making a permanent home therein, and their dependents, may be considered eligible for in-state rates.

B. Independent persons who reside in and have been domiciled in South Carolina for fewer than twelve months but who have full-time employment in the State, and their dependents, may be considered eligible for in-state rates for as long as such independent person is employed on a full-time basis in the State.

C. Where an independent person meeting the provisions of § 59–112–20 B above, is living apart from his spouse, or where such person and his spouse are separated or divorced, the spouse and dependents of such independent person shall have domiciliary status for tuition and fee purposes only under the following circumstances:

(1) if the spouse requesting domiciliary status for tuition and fee purposes remains domiciled in South Carolina although living apart or separated from his or her employed spouse;

(2) if the dependent requesting domiciliary status for tuition and fee purposes is under the legal custody or guardianship, as defined in § 59–112–10 I above, of an independent person who is domiciled in this State; or if such dependent is claimed as an income tax exemption by the parent not having legal custody but paying child-support, so long as either parent remains domiciled in South Carolina.

D. The residence and domicile of a dependent minor shall be presumed to be that of the parent of such dependent minor.

HISTORY: 1978 Act No. 466 § 2, eff April 17, 1978.

Research and Practice References—
15A Am Jur 2d, Colleges and Universities § 21.

ALR and L Ed Annotations—
Determination of residence or nonresidence for purpose of fixing tuition fees or the like in public school or college. 83 ALR2d 497.

ATTORNEY GENERAL'S OPINIONS

Nonimmigrant aliens, entering the United States pursuant to student visas, probably cannot form the requisite intent to become domiciled in South Carolina for purposes of in-state tuition. 1980 Op Att'y Gen, No 80-7, p 17.

Military personnel stationed in South Carolina are entitled to in-state tuition rates for attendance at public institutions of higher education while stationed in South Carolina. If such personnel have resided here for twelve months and show domiciliary intent, they may be eligible for in-state rates upon their discharge. Residents domiciled for less than twelve months may be considered eligible for in-state rates provided that they are employed full time in the State. 1986 Op Att'y Gen, No. 86-125, p 358.

Military personnel that have established domicile and residence in South Carolina would lose neither status upon their military assignment elsewhere absent an intent to establish residence and domicile elsewhere. The twelve months of residency requirement for in-state tuition in South Carolina for military personnel stationed elsewhere and their dependents could include time in out-of-state military service provided that they have established residence and domicile in South Carolina before leaving this State and have not reestablished residence and domicile elsewhere. 1987 Op Att'y Gen, No. 87-34, p 96.

Military personnel cannot satisfy actual residency requirements in South Carolina for in-state tuition rates while stationed in another state when such personnel were not domiciled and residing in South Carolina at the time of entry into military service. 1987 Op Att'y Gen, No. 87-70, p 180.

§ 59–112–30. Effect of change of residency.

When the domicile of a student or of the person upon whom a student is financially dependent changes after enrollment at a State Institution, tuition charges shall be adjusted as follows:

A. Except as provided in § 59–112–20 B above, when domicile is taken in South Carolina, a student shall not become eligible for in-state rates until the beginning of the next academic session after expiration of twelve months from date of domicile in this State.

B. When South Carolina domicile is lost, eligibility for in-state rates shall end on the last day of the academic session in which the loss occurs; however, application of this subsection shall be at the discretion of the institution involved.

C. Notwithstanding the other provisions of this section, any dependent person who has been domiciled with his family in South Carolina for a period of not less than three years immediately prior to his enrollment may enroll in a state-supported institution of higher learning at the in-state rate and may continue to be enrolled at such rate even if the parent, spouse or guardian upon whom he is dependent moves his domicile from this State.

HISTORY: 1978 Act No. 466 § 3, eff April 17, 1978; 1979 Act No. 130 § 1, eff June 25, 1979.

Effect of Amendments—

The 1979 amendment added subdivision C.

§ 59–112–40. Effect of marriage.

Except as provided in § 59–112–20 above, marriage shall effect determinations of domicile for tuition and fee purposes only insofar as it operates to evince an intention by the parties to make a permanent home in South Carolina.

HISTORY: 1978 Act No. 466 § 4, eff April 17, 1978.

§ 59–112–50. Military personnel and their dependents.

Notwithstanding other provisions of this chapter, during the period of their assignment to duty in South Carolina members of the armed services of the United States stationed in South Carolina and their dependents may be considered eligible for in-state rates. When such armed service personnel are ordered away from the State, their dependents may continue for an additional twelve months to have this eligibility at the State Institutions where they are enrolled at the time such assignment ends. Such persons and their dependents may be considered eligible for in-state rates for a period of twelve months after their discharge from the armed services even though they were not enrolled at a State Institution at the time of their discharge, if they have evinced an intent to establish domicile in South Carolina and if they have resided in South Carolina for a period of at least twelve months immediately preceding their discharge.

HISTORY: 1978 Act No. 466 § 5, eff April 17, 1978.

Cross references—

As to charging tuition fees to public school students residing on a military base or other federal establishment, see § 59–73–160.

ATTORNEY GENERAL'S OPINIONS

Military personnel stationed in South Carolina are entitled to in-state tuition rates for attendance at public institutions of higher education while stationed in South Carolina. If such personnel have resided here for twelve months and show domiciliary intent, they may be eligible for in-state rates upon their discharge. Residents domiciled for less than twelve months may be considered eligible for in-state rates provided that they are employed full time in the State. 1986 Op Att'y Gen, No. 86-125, p 358.

§ 59–112–60. Faculty, administrative employees and dependents thereof.

Full-time faculty and administrative employees of State Institutions, and the spouses and children of such persons, shall be excluded from the provisions of this chapter.

HISTORY: 1978 Act No. 466 § 6, eff April 17, 1978.

§ 59–112–70. Abatement of rates for nonresidents on scholarship.

Notwithstanding other provisions of this chapter, the governing boards listed in § 59–112–10 A above, are authorized to adopt policies for the abatement of any part or all of the out-of-state rates for students who are recipients of scholarship aid.

HISTORY: 1978 Act No. 466 § 7, eff April 17, 1978.

Cross references—

As to out-of-state students who are not eligible for in-state rates for tuition and fees, see § 59-104-10.

§ 59–112–80. Administration of chapter; burden of proving eligibility on students.

Each State Institution shall designate an official to administer the provisions of this chapter. Students making application to pay tuition and fees at in-state rates shall have the burden of proving to the satisfaction of the aforesaid officials of State Institutions that they have fulfilled the requirements of this chapter before they shall be permitted to pay tuition and fees at such rate.

HISTORY: 1978 Act No. 466 § 8, eff April 17, 1978.

§ 59–112–90. Penalties for willful misrepresentations.

Where it appears to the satisfaction of officials charged with administration of these provisions that a person has gained domiciliary status improperly by making or presenting willful misrepresentations of fact, such persons shall be charged tuition and fees past due and unpaid at the out-of-state rate, plus interest at a rate of eight percent per annum, plus a penalty amounting to twenty-five percent of the out-of-state rate for one semester; and until these charges have been paid no such student shall be allowed to receive transcripts or graduate from any State Institution.

HISTORY: 1978 Act No. 466 § 9, eff April 17, 1978.

§ 59–112–100. Regulations.

The Commission on Higher Education may prescribe uniform regulations for application of the provisions of this chapter and may provide for annual review of such regulations.

HISTORY: 1978 Act No. 466 § 10, eff April 17, 1978.

STATE EDUCATION ASSISTANCE ACT

§ 59-115-10. Short title.

This chapter may be cited as "The State Education Assistance Act."

HISTORY: 1962 Code § 22-96; 1971 (57) 775.

Editor's Note—

Section 1 of 1971 Act No. 433 (1971 (57) 775), contains legislative findings relative to this chapter, and provides:

"As an incident to the enactment hereof, the General Assembly has made the following findings:

"(1) At the present time, a large number of South Carolina residents are, as students, pursuing educational courses beyond the public school level. The educational facilities of the State and of private institutions in this State and throughout the country have been greatly enlarged and expanded to meet the needs for the education of a great number of students seeking education beyond the level of the public school system. To meet the cost of their education, many students are in need of money and are borrowing funds to pay for their education, generally upon terms which provide for repayment after the completion of their education. Sufficient loan funds are not available through the normal channels of commercial lending and financing to meet this need of South Carolina residents. Student loans are not attractive to commercial lenders because the students seeking loans usually are persons who are not fully in income producing situations, and furthermore, the commencement of repayment of principal is frequently deferred. Without moneys which can be made available to needy students through a student loan program administered by an appropriate State agency, and financed through the issuance by that agency of student loan revenue bonds, many of these South Carolina students will not be able to complete their formal education, or pursue educational courses beyond the public school level. As a means of alleviating this problem this legislation has been enacted."

Research and Practice References—

Public Education. 25 SC L Rev 465.

CASE NOTES

This chapter rests upon a valid public purpose, i.e., the promotion of higher education in the State; and all of its provisions are reasonably related to this purpose. Durham v McLeod, 259 SC 409, 192 SE2d 202 (1972).

This chapter is scrupulously neutral as between religion and irreligion and as between various religions. It simply aids and encourages South Carolina residents in the pursuit of higher education, and leaves all eligible institutions free to compete for their attendance and dollars, neither advantaged or disadvantaged by the operation of the Act. Durham v McLeod, 259 SC 409, 192 SE2d 202 (1972).

§ 59–115–20. Definitions.

The following words and terms shall, unless the context otherwise requires, have the following meanings:

(1) *"Authority"* shall mean the State Budget and Control Board of South Carolina, acting as the State Education Assistance Authority.

(2) *"Eligible institution"* shall mean (a) any institution of higher learning or post-secondary business, trade or technical educational schools; and (b) vocational and training schools, which shall have received the approval as such by the Authority.

Eligible institutions may be located within or beyond the boundaries of South Carolina.

(3) *"Loan fund"* shall mean the State Education Assistance Authority loan fund which shall be established as provided by § 59–115–60.

(4) *"Revenue bonds"* or *"student loan revenue bonds"* shall mean revenue bonds of the Authority issued under the provisions of this chapter, including revenue refunding bonds.

(5) *"Sinking fund"* shall mean the fund established pursuant to § 59–115–70 in order to provide for the payment of the principal and interest of revenue bonds.

(6) "Student" means any qualifying student in attendance at any eligible institution.

(7) "Student loans" means loans made to students for the purpose of enabling them to attend eligible institutions.

(8) "Loan Guarantee Reserve Fund" shall mean the state education assistance authority loan guarantee reserve fund which shall be established as provided by § 59–115–70.

HISTORY: 1978 Act No. 474 § 2, eff April 17, 1978; 1987 Act No. 195 § 2, eff June 30, 1987.

Editor's Note—

Section 1 of 1978 Act No. 474 provides as follows:

"As an incident to the enactment hereof, the General Assembly has made the following findings:

(1) By Chapter 115 of Title 59 of the 1976 Code, the General Assembly created the State Education Assistance Authority for the purpose of making funds available to needy students through a student loan program to be financed through the issuance of student loan revenue bonds.

(2) Pursuant to Chapter 115 the authority has issued and now has outstanding five million dollars of its revenue bonds.

(3) Until now the authority has, pursuant to the authorizations of Chapter 115, been a maker of student loans, acting through its contractual agent, the South Carolina Student Loan Corporation, a not-for-profit corporation. All loans made so far are federally insured to the extent of one hundred percent.

(4) A new federal law, Public Law 94-482, no longer automatically provides one hundred percent direct insurance by the federal government. Under Public Law 94-482 the federal government will act as a reinsurer of loans guaranteed by state guarantee agencies. Therefore, if student loans are to be made henceforth and are to have the benefit of federal reinsurance, the authority must become a guarantor of student loans rather than a maker of student loans.

(5) The authority wishes to continue its program of making moneys available for student loans and therefore seeks to avail itself of the federal reinsurance program made possible by Public Law 94-482. To do so it is necessary that a separate fund be established to provide a loan guarantee reserve sufficient to fund the potential guarantee liability of the authority. In addition, certain other changes must be made to Chapter 115. Finally, it has been determined to raise the revenue bond authorization from ten million dollars to fifteen million dollars."

Section 1 of 1987 Act No. 195 provides as follows:

"For purposes of this act, the General Assembly makes the following findings of fact:

(1) The State Education Assistance Authority is a body politic and corporate and a public instrumentality of the State of South Carolina, created by Act 433 of 1971, and codified as Chapter 115, Title 59 of the 1976 Code, hereinafter referred to as the Enabling Act.

(2) The Authority consists of the members of the State Budget and Control Board of South Carolina who, by reason of their offices, constitute the membership of the Authority.

(3) The Authority was created in order to provide a means of making loans in order to enable students, as this term is defined in the Enabling Act, to attend eligible institutions as this term is defined in the Enabling Act. This program of the Authority is administered by a nonprofit corporation sponsored by the South Carolina Bankers Association and incorporated under the name of South Carolina Student Loan Corporation.

(4) The purposes, inter alia, of the Authority and its contractual agent, the Corporation, are to provide financing for a program for the making and purchasing of insured loans to qualified students or to the qualifying parent of these students evidenced by one or more promissory notes, this program being referred to as the Guaranteed Student Loan Program. The payment of principal of and interest on these loans is insured by the Authority and reinsured by the Commissioner of Education of the United States under the Higher Education Act of 1965, as amended, hereinafter referred to as the Federal Act.

(5) Certain changes to the Guaranteed Student Loan Program have been brought about by Public Law 99-498, the most recent amendment to the Federal Act.

(6) The Federal Act now requires that all guaranty agencies shall guarantee loans for students attending qualifying institutions in the State, whether or not the students are residents of the State.

(7) Currently, the Enabling Act authorizes the Authority to guarantee loans only for residents of South Carolina.

(8) The Authority relies in major part upon administrative cost allowances from the United States Department of Education to operate the Guaranteed Student Loan Program and receives no appropriations from the General Assembly for the program.

(9) The Federal Act will continue making these administrative cost allowances only to guaranty agencies which guarantee loans for all eligible students attending qualifying institutions in their states.

(10) The Authority's Guaranteed Student Loan Program continues to serve a valid public purpose and the Enabling Act should be amended in order to permit the continued operation of the Authority as a Guaranty Agency and to permit it to continue these operations without resort to state appropriations for these operations."

Effect of Amendments—

The **1978** amendment added item (8).

The **1987** amendment rewrote items (6) and (7) so as to delete any residency requirement.

§ 59–115–30. Function of Authority.

The basic function of the Authority is to assist students attending eligible institutions through the exercise of the powers herein granted to it.

HISTORY: 1962 Code § 22-96.2; 1971 (57) 775.

§ 59–115–40. Creation of Authority as public instrumentality consisting of members of State Budget and Control Board.

There is hereby created a body politic and corporate to be known as the State Education Assistance Authority (Authority). The Authority is hereby declared to be a public instrumentality of the State and the exercise by the Authority of any power conferred herein shall be deemed and held to be the performance of an essential public function. The Authority shall consist of the members, from time to time, of the State Budget and Control Board of South Carolina, ex officio.

HISTORY: 1962 Code § 22-96.3; 1971 (57) 775.

The approval by the Budget and Control Board for the First Baptist Church of Moncks Corner to maintain a school for children under the age of seven on the second floor of its building. 1982 Op Atty Gen, No 82-73, p 72.

§ 59–115–50. Powers of Authority.

The Authority shall be empowered as follows:

(a) To make student loans under such terms and conditions as the Authority shall from time to time prescribe;

(b) To insure student loans under such terms and conditions as the Authority shall from time to time prescribe;

(c) To guarantee student loans under such terms and conditions as the Authority shall from time to time prescribe;

(d) To acquire contingent interest in student loans from banks or other lending institutions (up to one hundred percent of the face amount thereof) under such terms and conditions as the Authority shall from time to time prescribe;

(e) To develop and administer all programs and to perform all functions necessary or convenient to promote and facilitate the making, guaranteeing and insuring of student loans and to provide such other student loan assistance and services as the authority shall deem necessary or desirable and to enable it to qualify for loans,, grants, insurance and other benefits and assistance under any program of the United States now or hereafter authorized fostering student loans;

(f) To appoint one or more banking institutions as its fiscal agent to perform such functions with respect to student loans and its revenue bonds as the Authority shall from time to time prescribe; and

(g) To approve as eligible, institutions otherwise qualified as such.

HISTORY: 1962 Code § 22-96.4; 1971 (57) 775.

(h) To sell or otherwise hypothecate student loans or other securities held by the authority in any fund created hereby.

HISTORY: 1978 Act No. 474 §§ 3 & 4, eff April 17, 1978.

Editor's Note—

For legislative findings incident to the 1978 amendment, see the Editor's Note to § 59–115–20.

Effect of Amendments—

The 1978 amendment authorized the guaranteeing of student loans in item (e), and added item (h).

§ 59–115–60. State Education Assistance Authority Loan Fund.

There shall be established and maintained by the authority a fund which shall be designated the "State Education Assistance Authority Loan Fund". There shall be deposited to the credit of the loan fund the proceeds, exclusive of accrued interest, derived from the sale of the revenue bonds of the authority and any other moneys made available to the authority for making student loans.

There also may be deposited in the loan fund the "spread" or difference between the average rate of interest paid by the authority on its revenue bonds and the interest received by the authority on student loans as well as any state appropriated funds or other funds made available for administration of the loan program authorized herein.

Moneys in the loan fund shall be used only for the following purposes:

(a) To make direct loans to students.

(b) To make loans to any not-for-profit corporate entity approved by the authority for the purpose of enabling the entity to make student loans on terms and under conditions approved by the authority.

(c) To defray the expenses of operation and administration of the authority and its programs for which other funds are not available to the authority.

(d) To remedy any deficiency in the loan guarantee reserve fund.

(e) To remedy any deficiency in the sinking fund.

Pending the use of moneys in the loan fund for any of its authorized purposes the moneys shall be invested and reinvested by the State Treasurer. All earnings from the investments shall be added to and become a part of the loan fund.

HISTORY: 1978 Act No. 474 § 5, eff April 1978.

Editor's Note—

For legislative findings incident to the 1978 amendment, see the Editor's Note to § 59–115–20.

Effect of Amendments—

The 1978 amendment substantially rewrote this section.

§ 59–115–70. Sinking fund; State Education Assistance Authority Loan Guarantee Reserve Fund.

Prior to the issuance of any revenue bonds a sinking fund shall be established, the custodian of which shall be the State Treasurer. There shall be deposited in the sinking fund the revenues from all of the sources pledged for the payment of the revenue bonds including all moneys received directly or indirectly by way of principal and interest, exclusive of the "spread" referred to in § 59–115–60, from the repayment of student loans. Except to the extent of any surplus therein, moneys in the sinking fund shall be used for the sole purpose of paying the principal of and interest on revenue bonds of the authority from time to time outstanding.

In the event that the authority shall undertake to guarantee student loans, there shall be established and maintained by the authority a trust fund which shall be designated the "State Education Assistance Authority Loan Guarantee Reserve Fund". The fund shall be used by the authority to remedy defaults on student loans to the extent such defaulted loans are not covered by any existing or future program of federal insurance or reinsurance. There shall be deposited to the credit of the loan guarantee reserve fund all premiums received by the authority for guaranteeing student loans and all moneys made available to the authority for the guaranteeing of student loans including federal funds made available for such purpose. Moneys in the fund shall not be pledged to the repayment of the authority's revenue bonds, but if all liability of the authority to remedy defaults on student loans have been extinguished such moneys remaining in the loan guarantee reserve fund shall be deposited in the sinking fund. The liability of the State upon its obligation to guarantee student loans shall not constitute a pledge of the faith and credit of the State but shall be payable solely from moneys in the loan guarantee reserve fund.

HISTORY: 1978 Act No. 474 § 6, eff April 17, 1978.

Editor's Note—

For legislative findings incident to the 1978 amendment, see the **Editor's Note** to § 59-115-20.

Effect of Amendments—

The **1978** amendment substantially rewrote the former provision and added the provisions concerning the State Education Assistance Authority Loan Guarantee Reserve Fund.

§ 59–115–80. Authority empowered to issue revenue bonds.

Subject to the right to hereafter enlarge the authorization to issue revenue bonds, the General Assembly authorizes the authority to provide for the issuance, at one time or from time to time, of revenue bonds of the authority in an aggregate principal amount outstanding at any time of not exceeding one hundred seventy-five million dollars for any of its authorized purposes, including the use of a portion of the proceeds of any issue of bonds for the establishment of a reserve for the payment of principal and interest of the bonds. The reserve may be deposited in the sinking fund. The bonds must be designated, subject to such additions or changes as the authority considers advisable, "State Education Assistance Authority Revenue Bonds, Series ____," inserting in the blank space a letter or numerals identifying particular series of bonds.

The principal of and interest on such bonds shall be payable solely from the sources herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate (within the limitation imposed by § 11–9–350), shall mature at such time not exceeding twenty years from their date, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form and the manner of execution of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination of the bonds and the place of payment of principal and interest, which may be at any bank or trust company within or without the State. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The Authority may also provide for the authentication of the bonds by its fiscal agent. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest, and for the interchange of registered and coupon bonds. The Authority may sell such bonds in such manner, either at public or private sale, and for such price as it may determine will best effectuate the purposes of this chapter.

The authority shall provide in any resolution authorizing the issuance of revenue bonds for the pledging or assigning as security therefor so much of its income, receipts, funds or other assets of whatsoever kind from time to time acquired or owned by the authority, including all donations, grants and other money or property made available to it, payments received on student loans, including the principal, interest and penalties and other income derived from services rendered in connection with student loans, the proceeds of property or insurance, earnings and profits on investments of funds and from sales, purchases, endorsements of student loans, and other securities and instruments, contract rights, any funds, rights, proceeds of insurance or other benefits acquired pursuant to any federal law or contract to the extent not in conflict therewith, money recovered through the enforcement of any remedies or rights, and any other funds or things of value becoming the property of the authority, excluding the loan guarantee reserve fund, which, in the determination of the authority, may enhance the marketability of its revenue bonds. Moneys in the sinking fund shall be disbursed in such manner and under such restrictions as the authority may provide in the resolution authorizing the issuance of the bonds. Unless otherwise provided in the bond resolution, the revenue bonds at any time issued hereunder shall be entitled to payment from the sinking fund without preference or priority. Bonds may be issued under the provisions of this chapter without obtaining, except as otherwise expressly provided in this chapter, the consent of any department or agency of the State, and without any other proceedings or the happening of any conditions or things other than those proceedings, conditions or things which are specifically required by this chapter and the provisions of the resolution authorizing the issuance of such bonds.

HISTORY: 1977 Act No. 140; 1978 Act No. 474 §§ 7 & 8, eff April 17, 1978; 1979 Act No. 194 Part I § 3, apparently effective Aug. 8, 1979; 1981 Act No. 91, § 1, eff June 4, 1981; 1983 Act No. 15 § 2, eff March 25, 1983; 1985 Act No. 116, § 1, eff May 24, 1985.

Editor's Note—

For legislative findings incident to the 1978 amendment, see the **Editor's Note** to § 59–115–20.

Section 1 of 1983 Act No. 15 provides as follows:

"SECTION 1. The General Assembly finds that:

"In 1971 it established the State Education Assistance Authority (authority) as a public instrumentality of the State of South Carolina and empowered it to provide financial assistance to residents of South Carolina through the making or guaranteeing of student loans. The authority is governed by its members, who are by statute the members of the State Budget and Control Board. The authority acts through its contractual agent, the South Carolina Student Loan Corporation (corporation), a private nonprofit corporation.

"The authority has designated the corporation to serve as a central statewide lender and to date, over twenty-eight thousand loans have been made to more than fifteen thousand students.

"The administration of this program is totally separate from the loan programs administered by colleges and universities throughout the State, whose lending and collection experiences are quite dissimilar. Student loans made by the corporation from the revenue bond proceeds of the authority are one hundred percent guaranteed by the authority against the death, disability, or default of the student borrower. This guarantee does not in any way represent a pledge of the State's full faith and credit. The guarantee is limited to monies available in a reserve fund maintained by the authority funded through an insurance premium of three-fourths percent which is deducted from the loan made to each student borrower. There is now approximately one and one-quarter million dollars available in the reserve fund.

"The State's guarantee is further backed by a federal program of reinsurance. The amount of this reinsurance relates to the annual default rate on student loans and ranges from one hundred percent to eighty percent. Unless the State's default rate exceeds five percent in any given year, all loans are reinsured at one hundred percent. Any defaults in excess of five percent, but less than nine percent, are reinsured at ninety percent; all defaults above nine percent are reinsured at eighty percent. Between this federal program of reinsurance and the State's reserve fund, there are sufficient funds to cover a default rate as improbably high as thirty-two percent.

"Since the federal program of reinsurance began in 1978, defaults on all loans made by the corporation have always remained below five percent and thus the State has been reimbursed for one hundred percent of all default payments.

"In an effort to avoid the legal, financing, and administrative costs of issuing revenue bonds each year, the authority now seeks an increase in its statutory debt limitation to permit the continued financing of this program for the next several years."

1985 Act No. 116 provides, in its preamble, as follows:

"Whereas, the General Assembly finds:

In 1971 it established the State Education Assistance Authority (authority) as a public instrumentality of the State of South Carolina and empowered it to provide financial assistance to residents of South Carolina through the making or guaranteeing of student loans. The authority is governed by its members who are, by statute, the members of the State Budget and Control Board. The authority acts through its contractual agent, the South Carolina Student Loan Corporation (corporation), a private nonprofit corporation.

The authority has designated the corporation to serve as a central statewide lender and to date over forty-five thousand loans have been made to more than twenty-four thousand students.

The administration of this program is totally separate from the loan programs administered by colleges and universities throughout the State, whose lending and collection experiences are quite dissimilar. For fiscal year 1984, the authority's default rate was 1.6 percent. Student loans made by the corporation from the revenue bond proceeds of the authority are one hundred percent guaranteed by the authority against the death, disability, or default of the student borrower. This guarantee does not in any way represent a pledge of the state's full faith and credit. The guarantee is limited to monies available in a reserve fund maintained by the authority funded through an insurance premium of three-fourths percent which is deducted from the loan made to each student borrower. There is now approximately two million four hundred thousand dollars available in the reserve fund.

The state's guarantee is further backed by a federal program of reinsurance. The amount of this reinsurance relates to the annual default rate on student loans and ranges from one hundred percent to eighty percent. Unless the state's default rate exceeds five percent in any given year, all loans are reinsured at one hundred percent. Any defaults in excess of five percent, but less than nine percent, are reinsured at ninety percent; all defaults above nine percent are reinsured at eighty percent. Between this federal program of reinsurance and the state's reserve fund, there are sufficient funds to cover a default rate as improbably high as thirty percent.

Since the federal program of reinsurance began in 1978, defaults on all loans made by the corporation have always remained below five percent and thus the State has been reimbursed for one hundred percent of all default payments.

In an effort to avoid the legal, financing, and administrative costs of issuing revenue bonds each year, the authority now seeks an increase in its statutory debt limitation to permit the continued financing of this program for the next several years."

Effect of Amendments—

The **1977** amendment substituted the words "ten million dollars for any of its authorized purposes, including the use of a portion of the proceeds of any issue of bonds for the establishment of a reserve for the payment of principal and interest of such bonds. Such reserve may be deposited in the Sinking Fund." for the words "five million dollars" in the first paragraph of this section.

The **1978** amendment raised, in the first paragraph, the amount of revenue bonds which may be outstanding from ten million dollars, as provided in the 1977 amendment, to fifteen million dollars, and substantially rewrote the third paragraph.

The **1979** amendment raised the limitation on the aggregate principal amount outstanding in paragraph one from fifteen to twenty-five million dollars.

The **1981** amendment increased from twenty-five million dollars to fifty million dollars the aggregate principal amount of bonds the Authority may have outstanding.

The **1983** amendment increased the allowable limit on the aggregate principal amount of bonds outstanding at any time from fifty million dollars to one hundred million dollars.

The **1985** amendment changed the first paragraph by increasing the limit from 100 million dollars to 175 million dollars.

ATTORNEY GENERAL'S OPINIONS

The State Constitution prohibits the pledging of the State's credit against the bonds issued by the State Education Assistance Authority, and therefore, § 425(b)(1)(C)(ii) of Public Law 94-482 would be applicable to the loans made by the South Carolina Student Loan Corporation 1976-77 Op Atty Gen, No 77-72, p 67.

§ 59-115-90. Bond resolution; custody of moneys received; expenses payable from loan fund.

The resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper, including covenants setting forth the duties of the authority in relation to the purchase or sale of obligations, the making of student loans, the insurance or guarantee of student loans, the fees, charges and premiums to be fixed and collected, the terms and conditions for the issuance of additional bonds and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of the State which may act as depository of the proceeds of bonds, revenues or other money hereunder to furnish such indemnifying bonds or to pledge such securities as may be required by the authority. Any such resolution may set forth the rights and remedies of the bondholders and may restrict the individual right of action by bondholders. All expenses incurred in carrying out the provisions of such resolution may be treated as a part of the cost of administering this chapter and may be payable, together with other expenses of operation and administration under this chapter incurred by the authority, from the loan fund.

HISTORY: 1978 Act No. 474 § 9, eff April 17, 1978.

Editor's Note—

For legislative findings incident to the 1978 amendment, see the Editor's Note to § 59-115-20.

Effect of Amendments—

The 1978 amendment added the phrase "or guarantee" after the word "insurance" in the first sentence.

§ 59–115–100. Fees, charges, interest and premiums; contracts with United States and others; pledge of money in sinking fund.

The authority is authorized to fix and collect fees, charges, interest and premiums for making, insuring or guaranteeing student loans, purchasing, endorsing or guaranteeing obligations and any other services performed under this chapter. The authority is further authorized to contract with the United States of America or any agency or officer thereof and with any person, partnership, association, banking institution or other corporation respecting the carrying out of the authority's functions under this chapter. The authority shall at all times endeavor to fix and collect such fees, charges, receipts, premiums and other income so as to have available in the sinking fund at all times an amount which, together with any other funds made available therefor, shall be sufficient to pay the principal of and interest on such bonds as they shall become due and payable and to create reserves for such purposes. Money in the sinking fund, except such part thereof as may be necessary to provide such reserves for the bonds as may be provided for in the resolution authorizing the issuance of such bonds, shall be set aside in the sinking fund at such regular intervals as may be provided in such resolution and is hereby pledged to, and charged with, the payment of the principal of and interest on such bonds as they shall become due and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made. The fees, charges, receipts, proceeds and other revenues and moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice thereof. The resolution by which a pledge is created need not be filed or recorded except that a record of the proceedings covering the issuance of the bonds shall be filed in the office of the Secretary of State of South Carolina, as required by § 11–15–20. The use and disposition of money to the credit of the sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds. Any such resolution may, in the discretion of the authority, provide for the transfer of surplus money in the sinking fund to the credit of the loan fund. Except as may otherwise be provided in such resolution, such sinking fund shall be a fund for all such bonds without distinction or priority.

HISTORY: 1978 Act No. 474 § 10, eff April 17, 1978.

Editor's Note—

For legislative findings incident to the 1978 amendment, see the Editor's Note to § 59-115-20.

Effect of Amendments—

The 1978 amendment struck the phrase "or insuring" in the first sentence and inserted in its place the phrase "insuring or guaranteeing".

§ 59–115–110. All money received deemed trust funds; investment thereof.

Notwithstanding any other provisions of law to the contrary, all money received pursuant to the authority of the chapter, whether as proceeds from the sale of bonds, sale of property or insurance, or as payments of student loans, whether principal, interest or penalties, if any, thereon, or as insurance premiums, or from the purchase or sale of obligations, or as any other receipts or revenues derived hereunder, shall be deemed as trust funds to be held and applied solely as provided in this chapter. The resolution authorizing the bonds of any issue may provide that any of such money may be temporarily invested in securities authorized by §§ 6-5-10 to 6-5-40, pending the disbursement thereof and shall provide that any officer with whom, or any bank or trust company with which, such money shall be deposited shall act as trustee of such money and shall hold and apply the money for the purposes hereof, subject to such regulations as this chapter and such resolution may provide.

HISTORY: 1962 Code § 22-96.10; 1971 (57) 775.

CASE NOTES

Student loan fund held as trust fund. —The student loan fund under this chapter is held by the Authority as a trust fund. Durham v McLeod, 259 SC 409, 192 SE2d 202 (1972).

No public money or credit employed in making or guaranteeing loans.—No public money or credit, within the meaning of SC Const. Art 11, § 9, is employed in making or guaranteeing loans to students in religious sponsored institutions. Durham v McLeod, 259 SC 409, 192 SE2d 202 (1972).

§ 59–115–120. Rights of bondholders.

Any holder of bonds issued under the provisions of this chapter or any of the coupons appertaining thereto, except to the extent the rights herein given may be restricted by such resolution authorizing the issuance of such bonds, may either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the State or granted hereunder or under such resolution authorizing the issuance of such bonds, or under any contract executed by the Authority pursuant to this chapter, and may enforce and compel the performance of all duties required by this chapter or by such resolution to be performed by the Authority or any officer thereof, including the fixing, charging and collecting of fees, charges and premiums and the collection of principal, interest and penalties, if any, on student loans or obligations evidencing such loans.

HISTORY: 1962 Code § 22-96.11; 1971 (57) 775.

§ 59–115–130. Bonds as negotiable instruments.

Notwithstanding any of the foregoing provisions of this chapter or any recitals in any bonds issued under the provisions of this chapter, all revenue bonds and interest coupons appertaining thereto shall be and are hereby made negotiable instruments under the laws of this State.

HISTORY: 1962 Code § 22-96.12; 1971 (57) 775.

§ 59–115–140. Bonds as legal investments.

Bonds issued by the Authority under the provisions of this chapter are hereby made securities in which all public officers and public bodies of the State and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any State or municipal officer or any agency or political subdivision of the State for any purpose for which the deposit of bonds or obligations of the State is now or may hereafter be authorized by law.

HISTORY: 1962 Code § 22-96.13; 1971 (57) 775.

ATTORNEY GENERAL'S OPINIONS

The State Constitution prohibits the pledging of the State's credit against the bonds issued by the State Education Assistance Authority, and therefore, § 425(b)(1)(C)(ii) of Public Law 94-482 would be applicable to the loans made by the South Carolina Student Loan Corporation 1976–77 Op Atty Gen, No 77-72, p 67.

§ 59–115–150. Security for bonds.

Notwithstanding any other provision to the contrary herein, the Authority is hereby authorized to pledge as security for any bonds issued hereunder any contract between the Authority and the United States of America under which the United States agrees to make funds available to the Authority for any of the purposes of this chapter, to insure or guarantee the payment of principal of or interest on student loans, or otherwise to aid in promoting or facilitating student loans.

HISTORY: 1962 Code § 22-96.14; 1971 (57) 775.

§ 59–115–160. Liability of State and Authority; expenses of Authority.

Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt, liability or obligation of the State or of any political subdivision, but shall be payable solely from the revenues and other funds provided therefor. Each bond issued under this chapter shall contain on the face a statement to the effect that the Authority shall not be obligated to pay the principal of the bond nor the interest thereon except from the revenues, proceeds and other funds pledged therefor and neither the faith and credit nor the taxing power of the State or of any political subdivision is pledged to the payment of the principal of or the interest on such bonds. Expenses incurred by the Authority in carrying out the provisions of this chapter may be made payable from funds provided pursuant to this chapter and no liability or obligations shall be incurred by the Authority beyond the extent to which moneys shall have been so provided.

HISTORY: 1962 Code § 22-96.15; 1971 (57) 775.

§ 59–115–170. Exemption of bonds from taxation.

The principal of and interest on bonds issued pursuant to this chapter shall have the tax exempt status prescribed by § 12–1–60.

HISTORY: 1962 Code § 22-96.16; 1971 (57) 775.

§ 59–115–180. Annual report of Authority; audit.

The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor and the General Assembly. Each such report shall set forth a complete operating and financial statement covering the operation of the Authority during such year. The Authority shall cause an audit on its books and accounts to be made at least once in each year by the State Auditor or by certified public accountants.

HISTORY: 1962 Code § 22-96.17; 1971 (57) 775.

FEDERAL STUDENT AID DISTRIBUTION COMMITTEE

Sec.
2-49-10. Creation of committee; members; reports; compensation.

§ 2-49-10. Creation of committee; members; reports; compensation.

There is hereby created a joint legislative committee to act in an advisory capacity only at the request of the designated recipient in the State for federal student aid. The committee shall consist of seven members, two of whom shall be appointed from the Senate by the President thereof and two of whom shall be appointed from the House of Representatives by the Speaker and one who shall be appointed by the State Commission on Higher Education, plus the Chairman of the Senate Education Committee and the Chairman of the Education and Public Works Committee of the House of Representatives, both of whom shall serve ex officio. The committee shall report its activity as it deems necessary but at least annually as soon as practicable at the beginning of each session. Members of the committee shall not receive subsistence, mileage or per diem for services as members thereof.

HISTORY: 1977 Act No. 223.

Research and Practice References—
68 Am Jur 2d, Schools §§ 109 et seq.

§ 2-65-50. Agency to include estimates of research and student aid funds in detailed budget statements; quarterly reports by Governor.

Agencies must include estimates of research and student aid funds in the detailed budget statements required in Item (a) of § 2-65-20 of this chapter. Agencies may not be required to submit the detailed programmatic and financial information required in Item (b) of § 2-65-20 of this chapter, except that the agencies must furnish to the Governor notices of actual awards and allocations of research and student aid funds within fourteen days of receipt of such notices from funding agencies. The Governor must provide the Committee with a quarterly report of the funds received by agency.

HISTORY: 1978 Act No. 651, § 7, eff July 23, 1978; 1981 Act No. 178 Part II § 18E, eff July 29, 1981; 1983 Act No. 151 Part II § 10F, eff June 20, 1983; 1986 Act No. 455 § 2(C), eff June 2, 1986.

§ 2-65-60. Duties and powers of Comptroller General.

The Comptroller General must account for and control expenditures of individual federally funded projects for all agencies using the Statewide Accounting and Reporting System. For continuing federal projects, the Governor must certify to the Comptroller General the actual funds approved for each project pursuant to § 2-65-20 of this chapter, and any further adjustments to this amount, based on grant award documentation and pursuant to § 2-65-40 of this chapter. For new federally funded projects, the Governor must inform the Comptroller General of funding levels authorized pursuant to § 2-65-30 of this chapter.

The Comptroller General shall authorize expenditures on each project not to exceed the amount certified by the Governor. Upon request of the Governor, the Budget and Control Board, or the Joint Appropriations Review Committee, the Comptroller General must provide periodic reports of authorization levels, expenditures, revenues, and other data related to such federal projects. Upon request of the Governor, the Budget and Control Board, or the Joint Appropriations Review Committee, state agencies must provide grant ward and related actual funding information.

HISTORY: 1978 Act No. 651, § 8, eff July 23, 1978; 1981 Act No. 178 Part II § 18F, eff July 29, 1981; 1983 Act No. 151 Part II § 10G, eff June 20, 1983; 1986 Act No. 455 § 2(C), eff June 2, 1986.

Cross References—

As to authority of Comptroller General to make payroll deductions for dues of State Employees' Association, see § 8-11-83.

Tuition Grants

§ 59–113–10. Higher Education Tuition Grant Commission.

There is created a Higher Education Tuition Grant Commission consisting of eight representatives of the independent institutions of higher learning in the State who choose to come under the provisions of this chapter. In addition, the membership of the commission includes one ex officio member to be named by the House Committee on Education and Public Works, one ex officio member to be named by the Senate Committee on Education, and one ex officio member who must be the chief executive officer of the State Commission on Higher Education or his designee. The terms of the representatives of the institutions are for three years and until their successors are selected and qualify. The membership of the commission must be rotated among the participating institutions. The commission shall administer the provisions of this chapter and shall make those regulations as may be necessary in order to carry out the intent of this chapter. The commission is responsible solely to the General Assembly and shall report to that body at least annually.

HISTORY: 1988 Act No. 464, § 1, eff April 22, 1988; 1988 Act No. 629, § 4, eff June 7, 1988.

Editor's Note—

Pursuant to Section 6 of 1988 Act No. 629, effective June 7, 1988, references to the "Higher Education Tuition Grant Committee" is changed to "Higher Education Tuition Grant Commission".

Effect of Amendments—

This section was amended twice during the 1988 Session (See 1988 Act No. 464, § 1 and 1988 Act No. 629, § 4) with identical language. Both Acts substituted "commission" for "committee", added the chief executive officer of the commission on higher education (or his designee) to serve on the commission, added language making the commission responsible to the General Assembly and to report at least annually, and deleted provisions relating to the initial committee members.

§ 59–113–20. Qualifications of applicants for grants.

The State of South Carolina shall grant an amount as provided in this chapter to any applicant who meets the following qualifications:

(a) Has been a resident of South Carolina for at least one year;

(b) Is of good moral character;

(c) Has demonstrated qualities of academic merit and financial need;

(d) Has been accepted by or is registered in a South Carolina independent institution of higher learning as a full-time student whose academic programs are not comprised solely of sectarian instruction; and

(e) Is not enrolled in a course of study leading to a degree in theology, divinity, or religious education.

HISTORY: 1962 Code § 22-92; 1970 (56) 2579.

Cross references—

As to effect of default on loan under this chapter on eligibility for tax refund, see § 12-7-2240.

CASE NOTES

Section 18 of the 1985 General Appropriations Act [Act 201 of 1985] providing that state tuition grants are to be made only to students who attend independent, nonprofit, postsecondary institutions is not unconstitutional as denying equal protection to a student attending an institution operated for profit. Talley v South Carolina Higher Education Tuition Grants Committee (1986) 289 SC 483, 347 SE2d 99.

ATTORNEY GENERAL'S OPINIONS

All South Carolina students, without regard to subject major, enrolled at Allen University are eligible to apply and receive state tuition grant funds, provided these students meet the qualifications issued by the South Carolina Tuition Grants Agency; the effective date of eligibility for qualifying South Carolina students at Allen University is January 12, 1979, the date of approval by the South Carolina State Board of Education, which would encompass funds for Spring Semester 1979. 1979 Op Att'y Gen, No 79-21, p 31.

§ 59–113–30. Students covered by chapter; amount of grants; adjustment for scholarships.

(A) The provisions of this chapter apply to students entering college as freshmen during the 1970-71 academic year.

(B) The amount of the grant to be paid for each semester, or appropriate academic term, must be determined by the Higher Education Tuition Grant Commission and the Commission shall award the maximum amount permissible under its regulations or the determined need of the student, whichever is less.

(C) The maximum amount may not exceed the average state appropriation for each full-time student enrolled in the state-supported institutions of higher learning with four-year undergraduate degree programs in the previous year. The tuition grants must be calculated annually by the Commission.

(D) The need of each applicant must be determined by acceptable need analysis such as the parents' confidential statement and such other analyses as the Commission may determine.

(E) An adjustment must be made in the tuition grant of any student awarded a scholarship from any other source if the combination of grants and awards exceeds the calculated need of the student. If the scholarship is for only a portion of tuition and fees, the student may qualify for a proportionate tuition grant in accordance with the provisions of this chapter.

HISTORY: 1988 Act No. 464, § 2, eff April 22, 1988.

Editor's Note—

Pursuant to Section 6 of 1988 Act No. 629, effective June 7, 1988, references to the "Higher Education Tuition Grant Committee" is changed to "Higher Education Tuition Grant Commission".

Effect of Amendment—

The **1988** amendment made grammatical changes, and in subsection (C) added "with four-year undergraduate degree programs in the previous year".

§ 59–113–40. Misapplication of grants.

It shall be unlawful for any person to obtain, attempt to obtain, expend or attempt to expend, any tuition grant provided by this chapter for any purpose other than in payment of, or reimbursement for, the tuition cost of the student to whom such scholarship has been awarded at the institution the student is authorized to attend under the tuition grant.

HISTORY: 1962 Code § 22-94; 1970 (56) 2579.

§ 59–113–50. "Independent institution of higher learning" defined.

For the purposes of this chapter, an independent institution of higher learning means any independent eleemosynary junior or senior college in South Carolina whose major campus and headquarters are located within South Carolina and which is accredited by the Southern Association of Colleges and Secondary Schools.

HISTORY: 1988 Act No. 464, § 3, eff April 22, 1988.

Effect of Amendment—

The **1988** amendment changed the definition of "an independent institution of higher learning".

CASE NOTES

Section 18 of the 1985 General Appropriations Act [Act 201 of 1985] providing that state tuition grants are to be made only to students who attend independent, nonprofit, postsecondary institutions is not unconstitutional as denying equal protection to a student attending an institution operated for profit. Talley v South Carolina Higher Education Tuition Grants Committee (1986) 289 SC 483, 347 SE2d 99.

ATTORNEY GENERAL'S OPINIONS

The State's disapproval of the teacher training program of an independent senior college (which is not accredited by the Southern Association) disqualifies all students for state tuition grants while attending such school during the period of disapproval. 1975–76 Op Atty Gen, No 4430, p 285.

Scholarships

ARTICLE 1. General Provisions.
ARTICLE 3. Free Tuition for Children of Certain Firemen, Law-Enforcement Officers and the Like.
ARTICLE 5. Free Tuition for Residents Sixty-Five Years of Age.
ARTICLE 7. Medical and Dental Scholarships and Loans.

ARTICLE 1

GENERAL PROVISIONS

SEC.
59-111-10. Scholarship for winner of essay contest sponsored by Governor's Committee on Employment of Physically Handicapped.
59-111-20. Free tuition for certain veterans' children.
59-111-30. South Carolina defense scholarship fund.
59-111-40. Provisions creating South Carolina defense scholarship fund applicable to students and institutions qualifying under Health Professions Educational Assistance Act of 1963 and Nurse Training Act of 1964.

§ 59–111–10. Scholarship for winner of essay contest sponsored by Governor's Committee on Employment of Physically Handicapped.

Each year the first place winner of the essay contest sponsored by the Governor's Committee on the Employment of the Physically Handicapped shall receive a four-year scholarship from the State-supported institution of his choice, provided he is otherwise qualified. The scholarship shall be granted by the governing body of the particular institution upon certification by the Governor's Committee of the first-place winner and that the winner is in financial need. The scholarship shall provide free tuition and fees, and may be cancelled if a recipient does not maintain general scholastic and conduct standards established by the institution.

HISTORY: 1962 Code § 22-55; 1960 (51) 2084; 1961 (52) 91.

§ 59–111–20. Free tuition for certain veterans' children.

A child of a veteran who was a resident of this State at the time of entry into service and during service or who has been a resident of this State for at least eighteen years and, in the event the veteran is disabled, still resides in this State, who served honorably in a branch of the military service of the United States during a war period, as such periods are defined by § 101 of Title 38 of the United States Code:

(1) who was killed in action;

(2) who died from other causes while in the service;

(3) who died of disease or disability resulting from service;

(4) who was a prisoner of war as defined by Congress or Presidential proclamation during such war period;

(5) who is permanently and totally disabled, as determined by the Veterans Administration from any cause;

(6) who has been awarded the Congressional Medal of Honor;

(7) who is missing in action; or

(8) the child of any deceased veteran who qualified under items (4) and (5) may, upon application to and approval by the South Carolina Department of Veterans Affairs, be admitted to any State-supported college, university or post high school technical education institution free of tuition so long as his work and conduct is satisfactory to the governing body of the institution.

HISTORY: 1976 Act No. 727; 1978 Act No. 445, eff April 4, 1978.

Effect of Amendments—

The **1976** amendment inserted in the introductory paragraph "or who has been a resident of this State for at least eighteen years".

The **1978** amendment added a new item (6) and renumbered former item (6) to be item (7) and former item (7) to be item (8).

ATTORNEY GENERAL'S OPINIONS

Section 22-56, S. C. Code (1962), as amended [Code 1976 § 59-111-20] requires a veteran to have been a resident of South Carolina both at the time of entry into service and during service in order for his child to be entitled to free tuition at State-supported schools. 1974-75 Op Att'y Gen, No 4125, p 196

Veterans must be rated by the Veterans' Administration as permanently and totally disabled in order for their children to qualify for free tuition benefits. 1978 Op Att'y Gen, No 78-213, p 245.

§ 59-111-30. South Carolina defense scholarship fund.

The South Carolina defense scholarship fund is hereby created for which the sum of one hundred twenty thousand dollars is hereby appropriated from the general fund for the fiscal year 1962-1963. Additional appropriations to the fund may be made in annual general appropriation acts. The State Budget and Control Board shall administer the fund and shall allocate to State-supported institutions of higher learning which have elected to make loans to students under the provisions of subchapter II of chapter 17 of Title 20, United States Code, Annotated, their equitable share of the funds appropriated, so as to enable the institutions to contribute to the fund created as required by Federal law, a sum equal to one ninth of the total Federal capital contributed. The allocations made to institutions of higher learning shall be deemed loans by the State to the institutions and payment on the loans shall be made as directed by the Budget and Control Board. Interest on the loans shall not exceed three per cent per annum.

Appropriations to the South Carolina defense scholarship fund may also be used for participation as loan guarantees provided under the college reserve program of the United Student Aid Funds, Incorporated.

HISTORY: 1962 Code § 22-57; 1962 (52) 1979; 1964 (53) 2307.

Editor's Note—

Section 1 of 1962 Act No. 833 (1962 (52) 1979), contains legislative findings relative to this section, and provides:

"The General Assembly of the State of South Carolina finds that in order to assure the fullest development of the mental resources and technical skills of the young men and women of South Carolina the accredited institutions of higher learning should be granted financial assistance which will enable them to take advantage of the National Defense Education Program as set forth in Chapter 17 of Title 20 of the United States Code, Annotated.

"Sub-Chapter II of Chapter 17 of Title 20 provides that in order to stimulate and assist in the education of students at institutions of higher education who are highly qualified in the fields of science, mathematics, engineering, or modern foreign languages, but who are in need of financial assistance, grants shall be made to institutions of higher learning in all states from an allotment to each state of an amount which bears the same ratio to the amount appropriated for all states as the number of persons enrolled on a full-time basis in institutions of higher education in each state bears to the total number of persons enrolled on a full-time basis in institutions of higher learning in all of the states.

"All institutions entering into the National Defense Education Program must contribute to the student loan fund one ninth of the amount contributed by the Federal Government.

"Students receiving loans under the National Defense Education Program must repay the loan in equal annual instalments of principal and interest beginning one year after termination of study at the institution and ending eleven years after such date, except that the due date of instalments shall be extended by such time as spent for periods of further study, terms of military service and service as a full-time teacher in public schools.

"It is believed by the members of the General Assembly that the National Defense Education Program is a worthy program and that state supported institutions of higher education should be granted funds sufficient to take advantage of the maximum benefits of the program."

§ 59-111-40. Provisions creating South Carolina defense scholarship fund applicable to students and institutions qualifying under Health Professions Educational Assistance Act of 1963 and Nurse Training Act of 1964.

The provisions of § 59-111-30 shall apply to students and institutions of higher learning which otherwise qualify under the Health Professions Educational Assistance Act of 1963 (P.L. 88-129) and the Nurse Training Act of 1964 (P.L. 88-851).

HISTORY: 1962 Code § 22-58; 1965 (54) 717.

§ 59-111-50. Persons defaulting on certain student loans precluded from employment by State.

No person who has wilfully defaulted on a National Direct Student Loan, a National Defense Student Loan, a Guaranteed-Federally Insured Student Loan, a Nursing Student Loan, a Health Professions Student Loan or a Law Enforcement Educational Loan shall now or hereafter be employed by the State or any of its departments, agencies or subdivisions until all defaults are cured and loan payments made current; *provided*, however, that if such person and his lender voluntarily enter into an agreement after default under which terms the debt will be repaid and the lender confirms this agreement in writing with the state agency, department or subdivision, the loan shall not be considered in default and the default shall be considered as cured so long as the person complies with the terms of the agreement.

HISTORY: 1980 Act No. 375, § 1, eff April 23, 1980.

FREE TUITION FOR CHILDREN OF CERTAIN FIREMEN, LAW-ENFORCEMENT OFFICERS AND THE LIKE

SEC.
59-111-110. Tuition not required from children of firemen, law-enforcement officers and other kinds of public employees totally disabled or killed in line of duty.
59-111-120. "Fireman" defined.
59-111-130. "Law-enforcement officer" defined.
59-111-140. "Corrections officer" defined.
59-111-150. "State-supported college or university" defined.
59-111-160. "Total disability" defined.
59-111-170. Application for free tuition.
59-111-180. Penalties for misrepresenting eligibility.

§ 59-111-110. Tuition not required from children of firemen, law-enforcement officers and other kinds of public employees totally disabled or killed in line of duty.

No tuition shall be charged for a period of four school years by any state-supported college or university or any state-supported vocational or technical school for children of firemen, both regularly employed and members of volunteer organized units, organized rescue squad members, members of the Civil Air Patrol, law-enforcement officers, or corrections officers, as defined herein, including reserve and auxiliary units of counties or municipalities who become totally disabled or are killed in line of duty on or after July 1, 1964.

HISTORY: 1962 Code § 22-71; 1968 (55) 2300; 1969 (56) 659; 1971 (57) 457, 481.

ATTORNEY GENERAL'S OPINIONS

The term "tuition" as used in this article, a statute which permits children of any fireman or law-enforcement officer totally disabled or killed in the line of duty to attend any state-supported college or university tuition free, includes a fee described as either a "college fee" or a "maintenance and activities fee," and is not limited to fees charged for tuition, matriculation, and registration. 1970-71 Ops. Att'y Gen., No 3068, p 5.

§ 59-111-120. "Fireman" defined.

For the purposes of this article, a fireman shall be defined as any person performing general fire-fighting duties who is either employed by an official State, municipal or county fire department in this State, or is a member of any organized volunteer fire department within this State, whose name has been entered on an official roster of such volunteer organization prior to the time such person is totally disabled or killed in line of duty.

HISTORY: 1962 Code § 22-72; 1968 (55) 2300.

§ 59-111-130. "Law-enforcement officer" defined.

For the purposes of this article, a law-enforcement officer shall be defined as any person performing law-enforcement duties at the request of and under the supervision of any official State, municipal or county law-enforcement agency in South Carolina at the time such person is totally disabled or killed in line of duty.

HISTORY: 1962 Code § 22-73; 1968 (55) 2300.

§ 59–111–140. "Corrections officer" defined.

For purposes of this article a corrections officer shall be defined as any person who performs duties of security, control, or discipline over inmates at the request of and under the supervision of any official State, municipal, or county correctional institution and who was performing such duties at the time of his death or total disability.

HISTORY: 1962 Code § 22-73.1; 1971 (57) 481.

§ 59–111–150. "State-supported college or university" defined.

For the purposes of this article, a State-supported college or university shall be defined as any two-year or four-year college or university supported by the State of South Carolina, including colleges or universities offering postgraduate or professional courses of study.

HISTORY: 1962 Code § 22-74; 1968 (55) 2300.

§ 59–111–160. "Total disability" defined.

For the purposes of this article, total disability shall mean the physical inability to perform work in any gainful occupation, which disability directly results from any injury received in line of duty. In cases of such total disability, the free tuition provided for herein shall be extended only while such fireman or law-enforcement officer continues to be totally disabled.

This article shall not apply to a child or children born after the first year of total disability as herein defined.

HISTORY: 1962 Code § 22-75; 1968 (55) 2300.

§ 59–111–170. Application for free tuition.

Application for the free tuition provided for in this article shall be filed with the governing body of the institution and shall be accompanied by proof or evidence of the death or total disability of the parent of the applicant and such proof or evidence that the injury or death occurred in the line of duty as considered necessary by such governing body, which shall have sole discretion in granting or not granting free tuition.

HISTORY: 1962 Code § 22-76; 1968 (55) 2300.

§ 59–111–180. Penalties for misrepresenting eligibility.

Any applicant who wilfully misrepresents his eligibility for the free tuition provided for under this article, or any person who knowingly aids or abets such applicant in misrepresenting his eligibility for such benefits, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned for not less than six months.

HISTORY: 1962 Code § 22-77; 1968 (55) 2300.

FREE TUITION FOR RESIDENTS SIXTY-FIVE YEARS OF AGE

SEC.
59-111-310. "Tuition" defined.
59-111-320. Sixty-five-year-olds may attend classes without payment of tuition.
59-111-330. Rules and regulations.
59-111-340. Institutions to which article applies.
59-111-350. Persons attending under article not counted in computing enrollment.
59-111-360. Proof of eligibility.
59-111-370. Penalties for misrepresenting eligibility.

§ 59-111-310. "Tuition" defined.

As used in this article, *"tuition"* shall mean the amount charged for registering for a credit hour of instruction and shall not be construed to mean any other fees or charges or costs of textbooks.

HISTORY: 1962 Code § 22-81; 1974 (58) 2844.

§ 59-111-320. Persons age sixty and over may attend classes without payment of tuition.

State-supported colleges and universities, and institutions under the jurisdiction of the State Board for Technical and Comprehensive Education, are hereby authorized to permit legal residents of South Carolina who have attained the age of sixty to attend classes for credit or noncredit purposes on a space available basis without the required payment of tuition; *provided,* however, that such persons meet admission and other standards deemed appropriate by the college, university or institution. *Provided,* further, that neither such persons nor their spouses receive compensation as full-time employees.

HISTORY: 1978 Act No. 503 § 1, eff May 19, 1978.

Effect of Amendments—

The 1978 amendment reduced sixty-five years of age to sixty and added the last sentence.

§ 59-111-330. Rules and regulations.

The State Commission on Higher Education shall promulgate rules and regulations necessary for the implementation of the provisions of this article.

HISTORY: 1962 Code § 22-83; 1974 (58) 2844.

§ 59-111-340. Institutions to which article applies.

The provisions of this article apply to:

(1) those institutions enumerated in Section 59-107-10 and to the branches and extensions of those institutions;

(2) those institutions under the jurisdiction of the State Board for Technical and Comprehensive Education.

HISTORY: 1988 Act No. 510, § 7, eff May 5, 1988.

Effect of Amendment—

The 1988 amendment deleted the word "shall" in the opening paragraph, deleted former item (2) institutions under the direction of the state college board of trustees, and renumbered former item (3) as item (2).

§ 59–111–350. Persons attending under article not counted in computing enrollment.

Persons attending classes under the provisions of this article, on a space available basis without payment of tuition, shall neither be counted in the computation of enrollment for funding purposes nor considered on a formula basis for the issuance of capital improvement bonds.

HISTORY: 1978 Act No. 503 § 2, eff May 19, 1978.

Effect of Amendments—

The 1978 amendment added "nor considered on a formula basis for the issuance of capital improvement bonds."

§ 59–111–360. Proof of eligibility.

The officials of such colleges, universities or institutions charged with administration may require such proof as they deem necessary to insure that the person applying to the college, university or institution is eligible for the benefits provided by this article.

HISTORY: 1962 Code § 22-86; 1974 (58) 2844.

§ 59–111–370. Penalties for misrepresenting eligibility.

Any applicant who wilfully misrepresents his eligibility for the tuition benefits provided for under this article, or any person who knowingly aids or abets such applicant in misrepresenting his eligibility for such benefits, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars or imprisoned for not more than thirty days.

HISTORY: 1962 Code § 22-87; 1974 (58) 2844.

Medical and Dental Scholarships and Loans

Sec.
59–111–510. Medical and dental scholarship fund.
59–111–520. Consideration of applications and granting of loans or scholarships by Department of Health and Environmental Control.
59–111–530. Amounts and conditions of loans or scholarships.
59–111–540. Contracts required.
59–111–550. Department authorized to enter and cancel contracts with medical and dental schools for admission of students.
59–111–560. Penalty for failure to complete contract.
59–111–570. Deposits and disbursements.
59–111–580. Rules and regulations.

§ 59–111–510. Medical and dental scholarship fund.

The Department of Health and Environmental Control, hereinafter referred to as "the Department", shall aid, assist, promote, and administer a fund to be known as "The South Carolina Medical and Dental Loan Fund" with sums as may be appropriated by the General Assembly.

HISTORY: 1985 Act No. 181, eff June 24, 1985.

Effect of Amendment—

The 1985 amendment deleted scholarships from the title of Article 7 and from this section, and made grammatical changes in this section.

Research and Practice References—

Penalty provisions imposed by statute upheld. 39 SC L Rev 164, Autumn 1987.

§ 59–111–520. Consideration of applications and granting of loans or scholarships by Department of Health and Environmental Control.

The Department shall receive and consider all applications for loans made by students who have been legal residents of South Carolina for a period of at least one year immediately preceding their application who desire to become physicians or dentists and who are acceptable for enrollment in any accredited medical school or dental school within the United States and which is approved by the Department. The Department shall make a careful and full investigation of the ability, character, financial needs, and qualifications of each applicant to determine his fitness to become the recipient of each loan. The Department may examine each applicant to assist in determining if he is so qualified. The Department shall consider, during the selection process, the intent of the applicant to practice medicine or dentistry in a predominantly rural area. The Department may grant to each applicant, considered by the Department to be qualified to receive the loan, a loan as herein provided for the purpose of acquiring a medical or dental education upon terms and conditions imposed by the Department pursuant to applicable provisions of this article.

HISTORY: 1985 Act No. 186, eff June 24, 1985.

Effect of Amendment—

The 1985 amendment made grammatical changes, and deleted scholarships from this section.

§ 59–111–530. Amounts and conditions of loans or scholarships.

A loan shall not exceed ten thousand dollars per annum, for not exceeding four years, to defray tuition, living expenses, and other school related expenses. The loan must be based upon the condition that the applicant apply for a license to practice medicine, dentistry, or child psychiatry in South Carolina at the earliest practicable opportunity and that, within six months after the applicant is so licensed to practice, he will engage in the practice of medicine, dentistry, or child psychiatry in a service area within this State which has a ratio of not more than one doctor for each two thousand people or a ratio of not more than one dentist for each six thousand people. However, the practice of child psychiatry is limited only to the Child and Adolescent Unit of the South Carolina State Hospital. The Department shall approve a deferment of the required entry into practice during the time that the applicant is engaged in a residency training program in the field of family practice, general internal medicine, general pediatrics, child psychiatry, or obstetrics-gynecology. The Department shall annually prepare a list of medical service areas and dental service areas in this State and the ratios of doctors and dentists to the population in each service area, using the population figures of the latest official United States Census and the latest directories of the State Board of Medical Examiners and the State Board of Dentistry.

All areas of the State must be included in the service areas established by the Department. However, the practice of child psychiatry is not subject to the service area requirement and is limited only to the Child and Adolescent Unit at the South Carolina State Hospital. Medical service areas shall have a minimum population of two thousand and dental service areas shall have a minimum population of six thousand and each area shall have at least one town or municipality, whether or not incorporated, which has a population of at least five hundred. The applicant may choose the service area in which he desires to practice if the service area qualifies at the time the recipient initiates his practice. The recipient is required to practice in an eligible service area for one year for each year in which a loan was received. If the applicant receives a loan for four years he is only required to practice in the service area for three years, at the end of which time the loan is considered paid in full. A recipient may practice for the designated period of time in such other locations or assignments which the Board determines meet a critical state need.

HISTORY: 1978 Act No. 478, eff April 19, 1978; 1985 Act No. 186, eff June 24, 1985.

Effect of Amendments—

The **1978** amendment revised the first paragraph with regard to the type of program one must be involved in to qualify for a deferment of the requirements of that paragraph.

The **1985** amendment made grammatical changes, deleted scholarships from this section, added provisions relating to child psychiatry and obstetrics-gynecology, raised the amount of loan from 6 to 10 thousand dollars, and rewrote provisions relating to qualifying practice.

Cross references—

As to effect of default on loan under this chapter on eligibility for tax refund, see § 12-7-2240.

Research and Practice References—

Penalty provisions imposed by statute upheld. 39 SC L Rev 164, Autumn 1987.

CASE NOTES

A physician could be required to repay 3 times the amount loaned, plus 7 percent interest per annum, as provided in § 5 of the contract he voluntarily entered into with the state, as a valid statutory penalty for his unjustifiable noncompliance with his contractual obligation to practice general medicine for 3 years in a medical service area in the state. South Carolina Dept. of Health & Environmental Control v Kennedy (1986, App) 289 SC 73, 344 SE2d 859.

§ 59-111-540. Contracts required.

Before being granted a loan each applicant shall enter into a contract with the Department, which is considered a contract with the State of South

Carolina agreeing to the terms and conditions upon which the loan is granted to him. The contract shall include such terms and provisions as shall carry out the purpose and intent of § 59-111-530. The contract must be signed by the chairman of the Department, countersigned by the executive secretary of the Department, and signed by the applicant.

HISTORY: 1985 Act No. 186, eff June 24, 1985.

Effect of Amendment—

The **1985** amendment made grammatical changes and deleted scholarships from this section.

Research and Practice References—

Penalty provisions imposed by statute upheld. 39 SC L Rev 164, Autumn 1987.

CASE NOTES

A physician could be required to repay 3 times the amount loaned, plus 7 percent interest per annum, as provided in § 5 of the contract he voluntarily entered into with the state, as a valid statutory penalty for his unjustifiable noncompliance with his contractual obligation to practice general medicine for 3 years in a medical service area in the state. South Carolina Dept. of Health & Environmental Control v Kennedy (1986, App) 289 SC 73, 344 SE2d 859.

§ 59-111-550. Department authorized to enter and cancel contracts with medical and dental schools for admission of students.

The Department may make inquiry of the medical or dental schools which are approved for applicants to attend, and make arrangements and enter into contracts with those institutions for the admission of students granted loans by the Department. The Department, upon proper notice, may cancel any contract made with the institutions.

HISTORY: 1985 Act No. 186, eff June 24, 1985.

Effect of Amendment—

The **1985** amendment made grammatical changes, and deleted scholarships from this section.

§ 59-111-560. Penalty for failure to complete contract.

If the recipient of a loan fails without justifiable cause to practice medicine or dentistry in accordance with the terms of his contract, a penalty for failure to complete the contract must be imposed by the Department which at a minimum shall consist of a demand for the entire amount of the loan or scholarship benefits received plus per annum interest from the date funds were advanced to the recipient at the prevailing prime rate of the largest bank by deposits in South Carolina in effect at the time the funds were advanced plus two percent, and at a maximum shall consist of a demand for three times the entire amount of the loan benefits received, plus interest at a per annum rate equal to the then prevailing prime rate of the largest bank by deposits in South Carolina. The demand as determined by the Department must be mailed to the recipient at his last known address and shall at that time become immediately due and payable. However, where the Department determines that there is justifiable cause for the failure to practice pursuant to the terms of the contract, it may relieve the recipient of the obligation to practice according to the terms of the contract, and shall provide for repayment of the amount received, plus interest at a per annum rate equal to the then prevailing prime rate of the largest bank by deposits in South Carolina on any terms it deems proper.

Upon recommendation and request of the Department the Attorney General shall institute proceedings for the purpose of recovering any amount due the State upon breach of the contract.

HISTORY: 1985 Act No. 186, eff June 24, 1985.

Effect of Amendment—
The 1985 amendment substantially rewrote this section.

Research and Practice References—
Penalty provisions imposed by statute upheld. 39 SC L Rev 164, Autumn 1987.

CASE NOTES

A physician could be required to repay 3 times the amount loaned, plus 7 percent interest per annum, as provided in § 5 of the contract he voluntarily entered into with the state, as a valid statutory penalty for his unjustifiable noncompliance with his contractual obligation to practice general medicine for 3 years in a medical service area in the state. South Carolina Dept. of Health & Environmental Control v Kennedy (1986, App) 289 SC 73, 344 SE2d 859.

A provision requiring recipient to repay 3 times the amount loaned, plus 7 percent interest per annum, for unjustifiable noncompliance with contractual obligation to practice medicine in the service area did not subject a loan recipient to involuntary servitude, since he had voluntarily agreed to the terms of the contract, and the sanction for the breach of contract was not for service as a doctor, but the payment of money damages. South Carolina Dept. of Health & Environmental Control v Kennedy (1986, App) 289 SC 73, 344 SE2d 859.

§ 59–111–570. Deposits and disbursements.

The funds appropriated for the purposes of this article and all sums received in repayment of loans must be placed in the State Treasury to the credit of The South Carolina Medical and Dental Loan Fund. Loan payments must be paid out of this fund upon a voucher to the State Comptroller General signed by the chairman and the executive secretary of the Department.

HISTORY: 1985 Act No. 186, eff June 24, 1985.

Effect of Amendment—
The 1985 amendment made grammatical changes, and deleted scholarships from this section.

§ 59–111–580. Rules and regulations.

The Department may promulgate reasonable regulations for the purpose of carrying out the provisions of this article.

HISTORY: 1985 Act No. 186, eff June 24, 1985.

Effect of Amendment—
The 1985 amendment deleted "rules and" from this section.

South Carolina National Guard Tuition Assistance Act

Sec.
59–114–10. Short title.
59–114–20. Definitions.
59–114–30. Tuition assistance grants; limitations on amount and period of eligibility.
59–114–40. Requirements to qualify for tuition assistance.
59–114–50. Administration of program; regulations.
59–114–60. Agreements for rebating or carrying forward credit on accounts.
59–114–70. Tuition assistance payments made directly to institutions; accounting.

§ 59–114–10. Short title.

This chapter may be cited as "The South Carolina National Guard Tuition Assistance Act".

HISTORY: 1979 Act No. 199 Part II § 5, eff July 1, 1979.

§ 59–114–20. Definitions.

As used in this chapter:

(1) "Adjutant General" shall mean the South Carolina Adjutant General.

(2) "Academic year" shall mean any period of three hundred sixty-five days beginning with the first day of enrollment for a course of instruction by a National Guard member.

(3) "Eligible institution" shall mean:

(a) any institution of higher learning located in this State and any post-secondary business or technical education school located in this State;

(b) any vocational or training school which shall have received the approval of the Adjutant General.

(4) "National Guard" shall mean South Carolina National Guard.

(5) "Tuition" shall mean the amount charged for registering or credit hours of instruction and shall not include other fees, charges or costs of textbooks.

HISTORY: 1979 Act No. 199 Part II § 5, eff July 1, 1979.

§ 59–114–30. Tuition assistance grants; limitations on amount and period of eligibility.

Qualifying members of the National Guard may receive tuition assistance grants, not to exceed five hundred dollars per academic year. No member may qualify for such grants for more than four separate academic years and a new application must be submitted for each separate academic year for which tuition assistance is sought.

HISTORY: 1979 Act No. 199 Part II § 5, eff July 1, 1979.

§ 59–114–40. Requirements to qualify for tuition assistance.

Members of the National Guard enrolled or planning to enroll in an eligible institution may apply to the Adjutant General for tuition assistance. To qualify, an applicant must:

(a) be seeking to complete his secondary school education;

(b) be seeking trade or vocational training;

(c) be seeking to attain a two-year associate degree;

(d) be seeking to attain a four-year baccalaureate degree;

(e) be seeking to attain a graduate degree.

Additionally, an applicant must have a minimum National Guard service obligation of two years beyond the end of the academic period for which tuition is requested, or must agree in writing to formally incur such obligation upon approval of the tuition assistance grant and must meet those other criteria established by the Adjutant General by regulation pursuant to this chapter.

HISTORY: 1979 Act No. 199 Part II § 5, eff July 1, 1979.

§ 59–114–50. Administration of program; regulations.

The Adjutant General shall administer this program. He may delegate authority to his subordinates within the South Carolina Military Department as is necessary to implement the program. The Adjutant General shall promulgate regulations specifying additional eligibility criteria for tuition assistance grants which shall include, but not be limited to, prior National Guard service requirements, required levels of military occupational skill proficiency, and recommendations required of an applicant's National Guard supervisors. Additionally, regulations shall be promulgated setting forth standards of academic performance to be met by persons receiving assistance in order to qualify for assistance in future years and, as necessary, specifically approving vocational and training schools as eligible institutions.

HISTORY: 1979 Act No. 199 Part II § 5, eff July 1, 1979.

Cross references—

As to general powers and duties of the Adjutant General, see § 15–1–350.

§ 59–114–60. Agreements for rebating or carrying forward credit on accounts.

The Adjutant General shall have authority to enter into agreements with eligible institutions, with concurrence of the State Budget and Control Board, for rebating or carrying forward credit on accounts of qualifying members who because of illness, injury or other circumstances withdraw from course work prior to completion of the tuition period.

HISTORY: 1979 Act No. 199 Part II § 5, eff July 1, 1979.

§ 59–114–70. Tuition assistance payments made directly to institutions; accounting.

All tuition assistance payments shall be made directly to the eligible institution for credit to the account of the qualifying member. Eligible institutions receiving tuition assistance payments shall be subject to account to the State Auditor for such monies and the State Auditor shall have authority to examine such record of eligible institutions as are necessary to such accounting.

HISTORY: 1979 Act No. 199 Part II § 5, eff July 1, 1979.

§ 59-5-69. Implementation of regulations concerning South Carolina Education Improvement Act.

The State Board of Education and the Commission on Higher Education in performing the duties and responsibilities assigned to them in the South Carolina Education Improvement Act of 1984 are authorized to promulgate regulations necessary to implement these provisions.

HISTORY: 1984 Act No. 512, Part II, Division V, § 1, became law on July 1, 1984, without the Governor's signature.

Editor's Note—

1984 Act No. 512, Part II, Division V, § 4, provides as follows:

"This new section of Part II shall take effect July 1, 1984, except that any studies, reports, or actions due before this date or required by the provisions hereof shall be completed on such date."

Monitoring Implementation of Education Improvement Program

Sec.	
59-6-10.	Appointment of committee.
59-6-20.	Duties of Governor, State Superintendent of Education, and deputy superintendent; Public Accountability Division created.
59-6-30.	Reports by State Board of Education; recommendations by Business Education Partnership and Committee on Financing Excellence in Public Education.

§ 59-6-10. Appointment of committee.

In order to assist in, recommend, and supervise implementation of programs and expenditure of funds for the Education Improvement Act of 1984 there is created a Select Committee to serve as the oversight committee for the act. The Select Committee shall:

(1) review and monitor Education Improvement Act programs and funding;

(2) make programmatic and funding recommendations to the General Assembly;

(3) report annually to the General Assembly on the progress of the programs;

(4) recommend EIA program changes to state agencies and other entities as it considers necessary.

Each state agency and entity responsible for implementing Education Improvement Act funded programs shall submit annually to the Select Committee programs and expenditure reports and budget requests in a manner prescribed by the Select Committee.

The committee consists of the following persons:

(1) Speaker of the House of Representatives or his designee and a member of the House of Representatives appointed by the Speaker;

(2) Lieutenant Governor or his designee and a member of the Senate appointed by the Lieutenant Governor;

(3) Chairman of the Education and Public Works Committee of the House of Representatives or his designee;

(4) Chairman of the Education Committee of the Senate or his designee;

(5) State Superintendent of Education or his designee;

(6) Chairman of the Commission on Higher Education or his designee;

(7) Governor or his designee and a member appointed by the Governor;

(8) Chairman of the Ways and Means Committee of the House of Representatives or his designee;

(9) Chairman of the Finance Committee of the Senate or his designee.

A member of the General Assembly shall serve as chairman.

Members of the committee shall meet no less than once a quarter and annually shall submit their findings and recommendations to the General Assembly before March first of each fiscal year.

HISTORY: 1984 Act No. 512, Part II, § 9, Division II, Subdivision F, SubPart 3, § 1, became law on June 28, 1984, without the Governor's signature; 1985 Act No. 201, Part II, §§ 9(E), 9A, eff June 20, 1985; 1987 Act No. 88 § 1, eff May 14, 1987; 1988 Act No. 658, Part II, § 28, eff June 8, 1988.

Effect of Amendments—

The **1985** amendment added "and a member of the House of Representatives appointed by the Speaker", "and a member of the Senate appointed by the Lieutenant Governor", and "and a member appointed by the Governor" in items (1), (2), and (7), respectively, of the second unnumbered paragraph, and rewrote the fifth unnumbered paragraph.

The **1987** Amendment deleted provisions requiring the department of education to report annually to the committee on management recommendations to school districts and on responses thereto.

The **1988** amendment rewrote the first paragraph inserting "implementation of programs and" preceding "expenditure of funds", changing the responsibilities of the Select Committee from making recommendations to the State Board of Education to that of an oversight committee with duties specified in items (1)-(4), and added a new second paragraph requiring agencies and entities to submit report and budget requests to the Select Committee.

§ 59–6–20. Duties of Governor, State Superintendent of Education, and deputy superintendent; Public Accountability Division created.

The Governor and State Superintendent of Education shall reconvene, no less than annually, the Committee on Financing Excellence in Public Education and the Steering Committee of the Education-Business Partnership to review the implementation of the South Carolina Education Improvement Act of 1984 and consider improvements to the act.

The State Board of Education and State Superintendent of Education shall establish within the State Department of Education a special unit at the division level called the Public Accountability Division. This special unit must be eliminated six years from the date of implementation of the Education Improvement Act. The unit head shall hold a position comparable to a Deputy Superintendent and must be under the direct supervision of and shall report to the State Superintendent of Education.

The Deputy Superintendent shall provide all reports to the Governor, Select Committee, joint subcommittee of the Committee on Financing Excellence in Public Education, and State Board of Education and respond to any inquiries for information.

The joint subcommittee and Steering Committee of the Education-Business Partnership shall serve as a screening committee for the selection of the unit head. The screening committee shall recommend for consideration three applicants. Final selection of the unit head must be made by the State Superintendent of Education after consulting with the Governor. All other positions must be filled following current State Personnel and State Department of Education employment procedures.

The new unit is responsible for planning, monitoring, and reviewing programs developed under the Education Improvement Act and shall provide information, recommendations, and an annual assessment of the Education Improvement Act to the Governor, Select Committee, and joint subcommittee.

The operating procedures for the new unit are the same as the operating procedures for the three established divisions in the State Department of Education. The joint subcommittee shall review and approve all products produced by the new unit and make recommendations to the State Board of Education for final approval.

Training, Certification and Evaluation of Public Educators

Sec.

59-26-10. Intent; guidelines for implementation.
59-26-20. Duties of State Board of Education and Commission on Higher Education.
59-26-30. Special project for development of teacher examinations and evaluation instruments.
59-26-40. Provisional period; annual contract; continuing contract; persons trained outside state, teachers certified under trades and industrial education certification process.
59-26-50. Creation and membership of Educator Improvement Task Force; duties and powers.
59-26-60. Educational Improvement Task Force; appropriation.
59-26-70. Adjustments in instructional time permitted; foreign language requirements for diploma.

§ 59-26-10. Intent; guidelines for implementation.

It is the intent of this chapter to provide for a fair and comprehensive program for the training, certification, initial employment and evaluation of public educators in this State. The following guidelines, which further constitute the intent of this chapter shall be adhered to by all state and local officials, agencies and boards in interpreting and implementing the provisions of this chapter so that the program provided for herein shall:

(a) Upgrade the standards for educators in this State in a fair, professional and reasonable manner.

(b) Assure that prospective teachers have basic reading, mathematics and writing skills.

(c) Improve the educator training programs and the evaluation procedures for those programs.

(d) Insure that prospective teachers know and understand their teaching areas and are given assistance toward the achievement of their potential.

(e) Enable the use of evaluation standards that will aid in determining whether beginning teachers can apply fundamental teaching skills in the classroom.

HISTORY: 1979 Act No. 187 § 1, eff August 2, 1979.

Cross references—

As to general qualifications of teachers, see § 59-25-20.

For interstate agreement on qualification of educational personnel, see §§ 59-27-10 to 59-27-30.

ATTORNEY GENERAL'S OPINIONS

Act No. 187 of 1979 limits certification of teachers in South Carolina to graduates of approved teacher training programs; the term "teachers" as used in Act No. 187 of 1979 generally includes classroom teachers, supervisors of classroom teachers, and evaluators of classroom teachers; the term "teachers" in Act No. 187 of 1979 includes trade and industrial teachers who initially taught in private schools must comply with the requirements for provision teachers; Act No. 187 of 1979 does not apply to persons such as school psychologists who do not otherwise come within the definition of "teacher"; the requirement in Act No. 187 of 1979 for a full semester of student teaching does not apply to service personnel such as school psychologists or guidance counselors; school districts upon employing certified sional and annual contracts in Act No. 187 of 1979. 1980 Op Att'y Gen, No 80-60, p 107.

§ 59–26–20. Duties of State Board of Education and Commission on Higher Education.

The State Board of Education, through the State Department of Education, and the Commission on Higher Education shall:

(a) Develop and implement a plan for the continuous evaluation and upgrading of standards for program approval of undergraduate and graduate education training programs of colleges and universities in this State.

(b) Adopt policies and procedures which result in visiting teams with a balanced composition of teachers, administrators and higher education faculties.

(c) Establish program approval procedures which shall assure that all members of visiting teams to review and approve undergraduate and graduate education programs have attended training programs in program approval procedures within two years prior to service on such teams.

(d) Render advice and aid to departments and colleges of education concerning their curricula, program approval standards and results on the examinations provided for in this chapter.

(e) Adopt program approval standards so that beginning with the 1982–83 school year all colleges and universities in this State that offer undergraduate degrees in education shall require that students successfully complete the basic skills examination that is developed in compliance with this act before final admittance into the undergraduate teacher education program. These program approval standards shall include but not be limited to the following:

(1) A student may initially take the basic skills examination during his first or second year in college.

(2) Students may be allowed to take the examination no more than three times.

(3) If a student has not passed the examination, he may be conditionally admitted to a teacher education program. Such admittance shall not exceed one year. If he has not passed the examination within one year of the conditional admittance he shall not continue in the teacher education program.

Provided, that in addition to the above approval standards, beginning in 1984–85, additional and upgraded approval standards must be developed, in consultation with the Commission on Higher Education, and promulgated by the State Board of Education for these teacher education programs.

(f) Administer the basic skills examination provided for in this section two times per year.

(g) Report the results of the examination to the colleges, universities and student in such form that he will be provided specific information about his strengths and weaknesses and given consultation to assist in improving his performance.

(h) Adopt program approval standards so that beginning with the 1982–83 school year all colleges and universities in this State that offer undergraduate degrees in education shall require that students pursuing courses leading to teacher certification successfully complete one semester of student teaching and other field experiences and teacher development techniques directly related to practical classroom situations.

(i) Adopt program approval standards whereby each student teacher shall be evaluated at least three times by a representative of the college or university in which the practice teacher is enrolled. The evaluation instrument to be used shall be the instrument developed for this purpose in compliance with § 59–26–30. All observers who use the evaluation instrument shall receive reliability training. The college or university in which the practice teacher is enrolled shall make available assistance, training and counseling to the student teacher to overcome the identified deficiencies.

(j) Cooperate with the special project and the Educator Improvement Task Force created by this chapter.

(k) The Commission on Higher Education, in consultation with the State Department of Education and the staff of the S. C. Student Loan Corporation, shall develop a loan program whereby talented and qualified state residents may be provided loans to attend public or private colleges and universities for the sole purpose and intent of becoming certified teachers employed in the State in areas of critical need. Areas of critical need shall include both rural areas and areas of teacher certification and shall be defined annually for that purpose by the State Board of Education. The recipient of a loan shall be entitled to have up to one hundred percent of the amount of the loan plus the interest thereon cancelled if he becomes certified and teaches in an area of critical need. The loan shall be cancelled at the rate of twenty percent of the total principal amount of the loan plus interest on the unpaid balance for each complete year of teaching service in an area of critical need. In case of failure to make a scheduled repayment of any installment, failure to apply for cancellation of deferment of the loan on time or noncompliance by a borrower with the intent of the loan, the entire unpaid indebtedness including interest due and accrued thereon shall, at the option of the Commission, become immediately due and payable. The recipient shall execute the necessary legal documents to reflect his obligation and the terms and conditions of the loan. The loan program, if implemented, pursuant to the South Carolina Education Improvement Act of 1984, is to be administered by the S. C. Student Loan Corporation. Funds generated from repayments to the loan program shall be retained in a separate account and utilized as a revolving account for the purpose that the funds were originally appropriated. Appropriations for loans and administrative costs incurred by the Corporation are to be provided in annual amounts, recommended by the Commission on Higher Education, to the State Treasurer for use by the Corporation. The select committee will review the loan program annually and report to the General Assembly.

HISTORY: 1979 Act No. 187 § 2, eff August 2, 1979; 1981 Act No. 80, §§ 1, 2, eff March 2, 1981; 1984 Act No. 512, Part II, § 9, Division II, Subdivision C, SubPart 1, § 3, and SubPart 3, §§ 1,3, became law on June 28, 1984, without the Governor's signature.

Effect of Amendments—

The **1981** amendment struck "1981–82" and inserted "1982–83" in items (e) and (h).

The **1984** amendments added the last paragraph of item (e) added to item (h) the requirement of other field experiences and teacher development techniques, and added item (k).

Cross references—

As to general powers of Board of Education, see § 59–5–60.

As to general qualifications of teachers, see § 59–25–20.

As to examination and certification of teachers, generally, see §§ 59–25–110 to 59–25–270.

§ 59–26–50. Creation and membership of Educator Improvement Task Force; duties and powers.

(a) There is hereby created as an agency of state government the South Carolina Educator Improvement Task Force composed of eighteen members. The State Superintendent of Education with the advice and consent of the State Board of Education shall appoint six members, one of whom may be himself, one of whom shall be a public school teacher and one of whom shall be a public school administrator. The Governor shall appoint six members, one from each congressional district and not less than two of whom shall be employed at state institutions of higher education and not less than one of whom is a member of a local school board. The chairmen of the Senate Education Committee and the House Education and Public Works Committee or their designees shall serve as ex officio members of the Task Force. The Speaker of the House shall appoint two members of the House to the Task Force and the President of the Senate shall appoint two members of the Senate to the Task Force. The Governor and the chairmen of the Senate Education Committee and the House Education and Public Works Committee shall meet as soon as possible after all appointments are made and shall designate one of the eighteen members of the Task Force to serve as a temporary chairman of the Task Force. The temporary chairman shall serve in that capacity for a period not to exceed six months and a permanent chairman shall then be elected by the membership of the Task Force. Any vacancy shall be filled in the manner of the original appointment. The members shall receive such per diem, mileage and subsistence as is provided by law for members of state boards, committees and commissions to be paid from funds appropriated for the operation of the State Department of Education. Every consideration shall be given to insure appropriate racial balance in appointments.

(b) The Task Force shall organize by electing such other officers as it deems necessary. Bylaws may be adopted by a majority vote as deemed necessary.

(c) The powers and duties of the Task Force shall be as follows:

(1) Employ as director of the special project a person who has specific skills and experience to carry out the requirements of this chapter.

(2) Exercise supervision over the special project to insure that the intent of this chapter is carried out.

(3) Seek input from the public and other state agencies concerning the implementation of this chapter.

(4) Confer periodically with the State Board of Education and submit a final report to the Board concerning the implementation of this chapter. The report shall include a plan for the implementation of the responsibilities assigned to the Task Force by this chapter. The Board shall approve or disapprove the implementation plan within forty-five days. If the Board disapproves the plan, it shall submit the reasons for disapproval to the Chairman of the Task Force within fifteen days, and the Task Force shall, after consideration of the reasons for the disapproval, submit a revised implementation plan or the original plan with justification therefor to the State Board of Education within thirty days. If the Board then disapproves the original or revised plan, the Chairman of the Task Force and the Chairman of the Board shall within thirty days call a joint meeting and a majority vote of the Board and Task Force shall determine the plan to be implemented.

(5) Report to the Governor, the State Board of Education, the Chairman of the Senate Education Committee and the Chairman of the House Education and Public Works Committee by March 1, 1980, and annually thereafter, on the status of the implementation of this chapter. The annual report shall include any recommendations for legislative or executive action to facilitate achieving the intent of this chapter.

(6) Provide advice to the Board of Education and Commission on Higher Education concerning actions that may be needed to upgrade teacher training programs or otherwise facilitate progress toward achieving the intent of this chapter. Such advice shall include a determination of the minimum financial support per provisional and annual contract teacher that should be provided to local school districts by the General Assembly to compensate the districts for the additional duties imposed upon them by the provisions of this chapter.

(d) The Task Force shall terminate July 1, 1982, and may be extended only by a vote of two-thirds of the members of the House present and voting and two-thirds of the members of the Senate present and voting. If any of the implementation dates set forth in this chapter are extended by the General Assembly, the termination date of the Task Force may be extended for the same length of time by a majority vote of the members of the House and a majority vote of the members of the Senate.

HISTORY: 1979 Act No. 187 § 5, eff August 2, 1979.

Cross references—

As to authorization for General Assembly committee members rather than chairmen to be elected to serve ex officio on boards and commissions, see § 2-1-90.

As to committee for continuous study of the educational system, see §§ 59-9-10 to 59-9-40.

As to general qualifications of teachers, see § 59-25-20.

For interstate agreement on qualification of educational personnel, see §§ 59-27-10 to 59-27-30.

As to state Commission on Higher Education, see §§ 59-103-10 to 59-103-80.

§ 59-26-60. Educational Improvement Task Force; appropriation.

The General Assembly shall appropriate the necessary funds for operation of the Educator Improvement Task Force.

HISTORY: 1979 Act No. 187 § 6, eff Aug 2, 1979.

§ 59-26-70. Adjustments in instructional time permitted; foreign language requirements for diploma.

The State Board of Education, through the State Department of Education, in order to offer students more instructional time in a particular basic skill, may allow adjustments in the amount of instructional time required in each of the subjects in the State's defined minimum program. No commission or agency of the State shall require any public high school in this State to require foreign language as a prerequisite to receiving a regular high school diploma.

HISTORY: 1984 Act No. 512, Part II, § 9, Division II, Subdivision B, SubPart 3, § 4, became law on June 28, 1984, without the Governor's signature.

Special School of Science and Mathematics

Sec.
59–48–10. Establishment of school.
59–48–20. Board of trustees; appointment; term of office; per diem.
59–48–30. Course of study.
59–48–40. Admission criteria, standards, and procedures.
59–48–50. Administrative officer for school.
59–48–60. Adoption of policies and regulations.
59–48–70. Endowment fund.

§ 59–48–10. Establishment of school.

There is established a special school of science and mathematics for the purpose of fostering educational development of high school juniors and seniors in this State who are academically talented in the areas of science and mathematics and who show promise of exceptional development in these subjects. The school shall provide accelerated instruction in mathematics and science in a residential educational setting.

HISTORY: 1987 Act No. 170, Part II, § 23, eff June 22, 1987 (became law without Governor's signature).

§ 59–48–20. Board of trustees; appointment; term of office; per diem.

The school is under the management and control of a board of trustees consisting of thirteen members, as follows:

(1) one member from each congressional district appointed by the Governor;
(2) two members appointed from this State at large by the Governor;
(3) the Chairman of the Joint Legislative Committee to Study the State's Public Education System, ex officio;
(4) the State Superintendent of Education, ex officio;
(5) the Executive Director of the Commission on Higher Education, ex officio; and
(6) the respective chairmen of the Senate Education Committee and the Education and Public Works Committee of the House of Representatives, ex officio.

Members appointed by the Governor shall serve for terms of four years and until their successors are appointed and qualify, except that of those first appointed, the members representing the First, Second, and Third Congressional Districts and one at-large member shall serve for terms of two years and until their successors are appointed and qualify. Members shall receive mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions.

In his appointments, the Governor shall seek to obtain the best qualified persons from the business, industrial, and educational communities, including mathematicians and scientists.

The board of trustees shall explore use of the facilities of Coker College for the school's campus.

HISTORY: 1987 Act No. 170, Part II, § 23, eff June 22, 1987 (became law without Governor's signature).

§ 59–48–30. Course of study.

The board shall establish the standard course of study for the school. This course of study shall include instruction in the areas which constitute the usual high school curriculum and provide in-depth instruction in science and mathematics.

HISTORY: 1987 Act No. 170, Part II, § 23, eff June 22, 1987 (became law without Governor's signature).

§ 59–48–40. Admission criteria, standards, and procedures.

The school shall admit students in accordance with criteria, standards, and the procedures established by the board. To be eligible to be considered for admission, an applicant must be a legal resident of this State. Eligibility to remain enrolled in the school terminates when a student becomes a nonresident of this State. The board shall ensure, insofar as possible without jeopardizing admission standards, that an equal number of students are admitted from each of the state's congressional districts.

HISTORY: 1987 Act No. 170, Part II, § 23, eff June 22, 1987 (became law without Governor's signature).

§ 59–48–50. Administrative officer for school.

The chief administrative officer of the school shall be the director, who must be appointed by the board to serve at its pleasure. The director shall administer all affairs of the school, subject to policies, rules, and regulations adopted by the board. The director shall serve as the secretary to the board of trustees and shall report at least annually to the board concerning the state of the school.

HISTORY: 1987 Act No. 170, Part II, § 23, eff June 22, 1987 (became law without Governor's signature).

§ 59–48–60. Adoption of policies and regulations.

The board of trustees may adopt policies and regulations as it considers necessary for the operation and management of the school.

HISTORY: 1987 Act No. 170, Part II, § 23, eff June 22, 1987 (became law without Governor's signature).

§ 59–48–70. Endowment fund.

The board may establish and maintain an endowment fund for the school.

HISTORY: 1987 Act No. 170, Part II, § 23, eff June 22, 1987 (became law without Governor's signature).

§ 59–3–50. Statistical reports required by State Superintendent.

The trustees, officers or persons in charge of all literary, scientific or professional institutions of learning incorporated, supported or aided by the State and of all schools or private educational institutions shall, on or before the fifteenth day of July in each year, make a report in writing to the State Superintendent of Education of such statistics as the Superintendent shall prescribe relating to the number of pupils and instructors, courses of study, cost of tuition and the general condition of the institution or school under their charge. The Superintendent shall prepare blank forms of inquiry for such statistics and shall send the same to every such institution or school on or before the tenth day of May in each year. So much of such information as he may deem proper shall be incorporated in his annual report.

HISTORY: 1962 Code § 21-25; 1952 Code § 21-25; 1942 Code § 5386; 1932 Code § 5434; Civ. C. '22 § 2699; Civ. C. '12 § 1811; Civ. C. '02 § 1243; 1896 (22) 172.

§ 59–3–60. Report to General Assembly.

The State Superintendent of Education shall make a report, through the Governor, to the General Assembly at each regular session thereof, showing:

(1) The whole number of pupils registered and the number enrolled as defined in § 59–63–450 in the free common schools of this State during the year ending the thirtieth day of the last preceding June and the number in each county registered and the number enrolled as defined in said section during the same period;

(2) The number of whites and the number of colored, of each sex, attending the schools;

(3) The number of free schools in the State;

(4) The number of pupils studying each of the branches taught;

(5) The average wages paid to teachers of each sex, and to the principals of schools and departments in the schools;

(6) The number of schoolhouses erected during the year and the location, material and cost thereof;

(7) The number previously erected, the material of their construction, their condition and value and the number with the grounds enclosed;

(8) The counties in which teachers' institutes were held, and the number attending the institutes in each county; and

(9) Such other statistical information as he may deem important,

together with such plans as he may have matured and the State Board of Education may have recommended for the management and improvement of the school fund and for the more perfect organization and efficiency of the free public schools.

All State institutions of higher learning shall make an annual report on or before the first day of September of each year to the State Superintendent of Education, embracing a detailed account of the operations of such institutions, including the expenditure of the public moneys for the current scholastic year. The State Superintendent of Education shall include such reports in his annual report to the General Assembly.

HISTORY: 1962 Code § 21-26; 1952 Code § 21-26; 1942 Code § 5274; 1932 Code § 5274; Civ. C. '22 § 2534; Civ. C. '12 § 1700; Civ. C. '02 § 1176; 1896 (22) 150.

§ 59-39-120. Data required to be submitted by high schools and institutions of higher learning concerning high school graduates.

On or before May first of each calendar year, every high school which issues a State high school diploma shall submit to the State Superintendent of Education in such form as he may prescribe the following data:

(1) The number of high school graduates that entered the freshman class of an institution of higher learning, either in or out of this State, for whom a first semester report has been received;

(2) A breakdown showing all courses passed by such group; and

(3) A breakdown showing all courses failed by such group.

Every high school shall seek diligently to obtain such data from out-of-State institutions of higher learning. Any high school which fails to file a report or files a false report shall lose its accreditation.

Every institution of higher learning in this State shall submit to the state high school from which he was graduated a report on the first semester accomplishments of each freshman.

HISTORY: 1962 Code § 21-631; 1952 Code § 21-631; 1947 (45) 317; 1957 (50) 211.

§ 59–45–70. Home-study schools.

No type of home-study school shall be established or permitted to operate in this State without first securing the approval of the State Board of Education. Any person violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not less than one thousand dollars nor more than five thousand dollars, in the discretion of the court.

HISTORY: **1962 Code § 21-677; 1952 Code § 21-677; 1942 Code § 5397; 1932 Code § 5291; 1924 (33) 1132.**

Research and Practice References—

15 Am Jur 2d, Commerce §§ 34, 62.
15 CJS, Commerce § 98.

ALR and L Ed Annotations—

Constitutionality of regulation and licensing of correspondence schools or their canvassers or solicitors. 92 ALR2d 523.

ATTORNEY GENERAL'S OPINIONS

Bond or fee may not be required.—The State Board of Education has no authority to require home-study schools to post bond or charge a fee. 1966–67 Ops. Att'y Gen., No 2213, p 7.

Junior College Courses

Sec.
59–55–10. Establishment and maintenance of departments of junior college work by school boards.
59–55–20. Establishment and maintenance of junior college in cities of 5,000 or more.
59–55–30. Buildings and equipment.
59–55–40. Requirements for establishment and maintenance.
59–55–50. Powers of State Department of Education over junior colleges.
59–55–60. State aid for public schools not allocated to junior colleges.

§ 59–55–10. Establishment and maintenance of departments of junior college work by school boards.

The school board of any independent or special school district, when authorized by a three-fourths vote of the district so to do, may establish and maintain a department of junior college work to consist of not more than two years' work beyond a four-year high school course.

HISTORY: 1962 Code § 21-711; 1952 Code § 21-711; 1942 Code § 5416; 1935 (39) 490.

Related Local Laws—

For a local law declaring the provisions of this chapter inapplicable to Greenville County or to any school district therein, see Local Law Index.

Research and Practice References—

15 Am Jur 2d, Colleges and Universities § 1.
14 CJS, Colleges and Universities § 4.

ATTORNEY GENERAL'S OPINIONS

Approval of State Commission on Higher Education not required.—Where a county is empowered to establish a junior college under an act of the legislature, approval of State Commission on Higher Education is not required if only local funds used. 1969–70 Ops. Att'y Gen., No 2924, p 173.

§ 59–55–20. Establishment and maintenance of junior college in cities of 5,000 or more.

In any school district in this State whose limits are coextensive with the limits of any city of five thousand inhabitants or more the school board, when authorized to do so by the majority vote of the electors of any such school district voting on the proposition, may establish, maintain or discontinue a junior college to consist of not more than two years of college work beyond a four-year high school course and may charge such tuition fees for instruction in such junior college as shall be fixed by any such school board.

HISTORY: 1962 Code § 21-712; 1952 Code § 21-712; 1942 Code § 5419; 1935 (39) 490.

Research and Practice References—

15 Am Jur 2d, Colleges and Universities § 1.
14 CJS, Colleges and Universities § 4.

§ 59-55-30. Buildings and equipment.

Any such school board may make use of any existing school building or school equipment or may provide any necessary building or equipment for the establishment and maintenance of any such junior college.

HISTORY: 1962 Code § 21-713; 1952 Code § 21-713; 1942 Code § 5420; 1935 (39) 490.

§ 59-55-40. Requirements for establishment and maintenance.

In the establishment and maintenance of such junior college courses, the following provisions shall be observed:

(1) Application on the part of any school to be classified as a junior college shall be made by the school board to the State Department of Education not later than July first of the first year for which a school seeks such classification and shall be accompanied by the curricula to be maintained;

(2) Each applicant shall be visited by a representative of the State Department of Education who shall make a report to the State Board of Education as a basis for its action upon the application at the next regular meeting;

(3) Each applicant will be notified promptly as to the action taken by the State Board;

(4) A junior college shall be a public school providing one or more two-year courses beyond the eleventh year of the public school course and it shall be located in a school district which maintains an accredited high school and employs a junior college dean and at least the equivalent of two junior college teachers who, together with the superintendent, shall constitute the faculty of the junior college;

(5) A junior college shall be maintained only when the district assessed valuation exceeds one million dollars;

(6) The superintendent of the college shall administer and exercise general supervision over the junior college and shall make such reports as the State Superintendent of Education may require;

(7) The superintendent of the college shall examine the certification of all persons under consideration as teachers in the junior college and recommend for employment only such persons as are found to be fully qualified in accordance with the standards established by the State Board of Education and he shall also keep a record of such certification and, on or before October first of each year, shall transmit a copy of this record to the State Department of Education;

(8) The building space available for this use shall be modern, adequate and well adapted to the needs of the work to be undertaken;

(9) There shall be provided a general and reference library, well chosen and adequate for the course offered and for the enrollment in the junior college;

(10) Suitable laboratory space and equipment shall be provided for such advanced work in the natural sciences as is included in the courses offered;

(11) The county superintendent shall prescribe the duties of the dean and such duties may be made to include instruction, organization, classification, discipline and management of the junior college;

(12) The junior college year shall consist of at least nine months, or thirty-six weeks;

(13) Students shall be limited to the following two classes: (a) regular students, who have completed, in a satisfactory manner, a full high school course or its equivalent and (b) special students, who wish to pursue special courses of college rank and who are deemed by the local authority fully qualified to do so;

(14) No school board shall, under any conditions, issue to any person a certificate or diploma showing the completion of a junior college course except upon recommendation of the county superintendent, and a two-year certificate or diploma shall be recommended only upon the completion in a credible manner of at least sixty semester hours, or its equivalent, in a course approved by the State Department of Education;

(15) The minimum length of a recitation period shall be fifty minutes; and

(16) The dean and instructors in a junior college shall have the following qualifications: (a) scholastic training, at least an A.B. or B.S. degree, or its equivalent, from a college recognized as fully entitled to confer such degree and (b) professional training, at least eighteen semester hours in education. These qualification standards are not to be interpreted as retroactive in their application to present instructors in any school district maintaining a junior college prior to May 20, 1935.

HISTORY: 1962 Code § 21-714; 1952 Code § 21-714; 1942 Code § 5420; 1935 (39) 490.

Research and Practice References—

79 CJS, Schools and School Districts § 380.

4 Am Jur Legal Forms 2d, Colleges and Universities, §§ 60:101 et seq. (faculty and administration).

4 Am Jur Legal Forms 2d, Colleges and Universities, §§ 60:121–60:125 (students and student body).

§ 59–55–50. Powers of State Department of Education over junior colleges.

The State Department of Education shall have the same supervision, control and powers over any such junior college, when established hereunder, as it now has over other departments of the public school system of this State.

HISTORY: 1962 Code § 21-715; 1952 Code § 21-715; 1942 Code § 5420; 1935 (39) 490.

§ 59–55–60. State aid for public schools not allocated to junior colleges.

No State aid for public schools shall be allocated to any junior college established hereunder.

HISTORY: 1962 Code § 21-716; 1952 Code § 21-716; 1942 Code § 5422; 1935 (39) 490.

Colleges and Institutions of Higher Learning Generally

New Sections Added

Sec.
59–101–185. Governing boards of state institutions of higher learning authorized to maintain financial management and accounting systems.
59–101–190. Dean's Committee on Medical Doctor Education.
59–101–200 through 59–101–270. [Repealed]
59–101–280. Colleges and universities to emphasize teaching as career opportunity.

§ 59–101–10. Designation of State colleges and universities.

There are universities and colleges as follows: one located in the City of Columbia, styled the University of South Carolina; another in or near the Town of Orangeburg, styled South Carolina State College; Clemson University; another known as Winthrop College, the South Carolina College for Women; another styled The Citadel, the Military College of South Carolina; the College of Charleston; another in or near the Town of Greenwood, styled Lander College; another in or near the City of Florence, styled Francis Marion College; and the Medical University of South Carolina. They are separate and distinct institutions, each under its separate board of trustees or visitors.

HISTORY: 1988 Act No. 510, § 4, eff May 5, 1988.

Effect of Amendment—

The **1988** amendment added Lander College, Francis Marion College, and the College of Charleston to the list of colleges and universities under separate boards, and made grammatical changes.

§ 59–101–20. Transfer of College of Charleston to State.

The State is authorized to acquire all property of the College of Charleston, real, personal, or mixed, and to operate the college as a state-supported institution of higher learning.

HISTORY: 1988 Act No. 510, § 5, eff May 5, 1988.

Effect of Amendment—

The **1988** amendment deleted former subsections (B) and (C) providing that the college would be governed by the state college board of trustees and providing for the dissolution of the governing body of the college, and made grammatical changes.

§ 59–101–30. Transfer of Lander College to State.

(1) The State of South Carolina is authorized to acquire all that property known as Lander College, real, personal, and mixed, from the Lander Foundation, a political subdivision created by Act 110 of 1951, and to operate the college as a state-supported institution of higher learning.

(2) The Lander Foundation is authorized to transfer Lander College and all of its properties, real, personal, and mixed, to the State of South Carolina under terms mutually agreed upon and is further authorized to transfer endowment or trust properties and funds which are not to be transferred to the State to an appropriate foundation or eleemosynary corporation upon terms the trustees determine.

HISTORY: 1988 Act No. 510, § 6, eff May 5, 1988.

Effect of Amendment—

The **1988** amendment deleted former subsection (3) providing for the dissolution of the governing body of the college, and made grammatical changes.

ATTORNEY GENERAL'S OPINIONS

Tenure Committee of state college constitutes public body under Freedom of Information Act. Tenure Committee, in voting on particular individuals being granted ordinary tenure while in executive session has to consult college rules regulations and procedures to determine voting procedures. Committee must ratify in public session any formal action taken by body in executive session. Formal actions include decisions of tenure and denials of tenure. 1984 Op Atty Gen, No. 84-64, p. 159.

§ 59–101–40. Presidents of student bodies may be ex officio members of boards of trustees.

Notwithstanding any other provisions of law relating to the composition of the various boards of trustees of State-supported institutions of higher learning, the president of the student body of each of these institutions may be, ex officio, a nonvoting member of the board of trustees of the institution he attends and represents.

The term of office of the student body president shall be contemporaneous with his term as president.

HISTORY: 1962 Code § 22-1.1; 1972 (57) 2395.

§ 59–101–50. Enrollment preference given to residents.

The colleges and other institutions of learning of this State supported in whole or in part by the State shall receive as students those applicants residing within the State in preference to those residing without; *provided, however,* that the applications of those residing within the State shall be filed with the president or secretary of such college or institution of learning at least thirty days before the opening of such college or institution.

HISTORY: 1962 Code § 22-2; 1952 Code § 22-2; 1942 Code § 5708; 1932 Code § 5708; Civ. C. '22 § 2776; 1917 (30) 339.

Research and Practice References—

15 Am Jur 2d, Colleges and Universities § 16.

14 CJS, Colleges and Universities § 25.

The Constitutionality of Resident/Nonresident Tuition Differentials. 24 SC L Rev 398.

§ 59–101–60. **Repealed** by 1978 Act No. 466 § 11, eff April 17, 1978.

Cross references—

As to tuition for military personnel and their dependents, now see § 59–112–50.

§ 59–101–70. [Am 1978 Act No. 396 § 1] **Repealed** by 1978 Act No. 466 § 11, eff April 17, 1978.

Cross references—

As to the establishment of student residency, now see § 59–112–20.

§ 59–101–80. Degree of licentiate of instruction.

The universities and colleges of this State may provide a course of study, to be approved by the State Board of Education, the completion of which by a student will entitle him to the degree of licentiate of instruction and they may issue a diploma showing the degree has been conferred.

HISTORY: 1962 Code § 22-4; 1952 Code § 22-4; 1942 Code § 5698; 1932 Code § 5698; Civ. C. '22 § 2766; Civ. C. '12 § 1837; Civ. C. '02 § 1258; 1898 (22) 764.

Cross references—

As to prohibition against use of textbooks by schools and colleges when disapproved by the State Board of Education, see § 59–31–50.

As to required study of United States Constitution and proof of loyalty to United States before graduation from State supported high school, college, or university, see § 59–29–120.

As to requirement that a physical education course be given every pupil attending teacher training colleges, see § 59–29–90.

As to required instruction on the traffic laws of this State in State institutions, see § 59–29–50.

§ 59–101–90. Suspending exercises for Christmas and New Year's Day.

All State colleges and universities shall suspend exercises for a period of not exceeding ten days, including the time required for going from and returning to such colleges and universities, such period to include Christmas Day and New Year's Day.

HISTORY: 1962 Code § 22-5; 1952 Code § 22-5; 1942 Code § 5699; 1932 Code § 5699; Civ. C. '22 § 2768; Civ. C. '12 § 1839; 1906 (25) 42.

§ 59–101–100. Display of United States and State flags.

The State Superintendent of Education shall make such rules and regulations, not inconsistent with the National Flag Code, for the display of the flag of the United States of America and the display of the State flag on the grounds of educational institutions supported, in whole or in part, by funds derived from this State. The person at the head of any educational institution in the State shall display the flag of the United States of America and the State flag on the grounds of educational institutions supported, in whole or in part, by funds derived from this State. The person at the head of any educational institution in the State shall display the flag of the United States of America and the State flag at such times and at such places and under such restrictions and rules as he may be directed to observe by the State Superintendent of Education.

HISTORY: 1962 Code § 22-6; 1952 Code § 22-6; 1942 Code § 5705; 1939 (41) 298; 1965 (54) 244.

§ 59–101–110. Display of State flag on buildings of State University and State colleges.

The State flag shall be displayed daily, except in rainy weather, from a staff upon one building of the University of South Carolina and of each State college. The officer or officers in charge of such buildings shall purchase suitable flags and cause them to be displayed, the expense to be borne out of the funds provided for maintenance.

HISTORY: 1962 Code § 22-7; 1952 Code § 22-7; 1942 Code § 5703; 1932 Code §§ 5703, 5705; Civ. C. '22 §§ 2772, 2773; Civ. C. '12 §§ 1842, 1843; 1910 (26) 753; 1922 (32) 779.

§ 59–101–120. Charge for diplomas.

At no State institution of higher learning shall any graduate be charged more than the actual cost for his diploma. But a graduate from any such institution of higher learning may pay a greater price for his diploma if such graduate should elect to do so.

HISTORY: 1981 Act No. 178 Part II § 24, eff July 29, 1981.

Effect of Amendments—
The 1981 amendment, in the first sentence, substituted the words "the actual cost" for the former words "five dollars."

ALR and L Ed Annotations—
Student's right to compel school officials to issue degree, diploma, or the like. 11 ALR4th 1182.

§ 59–101–130. High schools shall report to Superintendent of Education; institutions of higher learning shall report to high schools.

On or before May first of each calendar year, every high school which issues a State high school diploma shall submit to the State Superintendent of Education in such form as he may prescribe the following data:

(1) The number of high school graduates that entered the freshman class of an institution of higher learning, either in or out of this State, for whom a first semester report has been received.

(2) A breakdown showing all courses passed by such group.

(3) A breakdown showing all courses failed by such group.

Every high school shall seek diligently to obtain such data from out-of-State institutions of higher learning. Any high school which fails to file a report or files a false report shall lose its accreditation.

Every institution of higher learning in this State shall submit to the State high school from which each freshman was graduated a report on the first semester accomplishments of each freshman.

HISTORY: 1962 Code § 22-10; 1952 Code § 22-10; 1947 (45) 317; 1962 (52) 1719.

Cross references—
As to annual reports of State-supported institutions to State Superintendent, see § 59–3–50.

§ 59–101–140. Tabulation of reports.

After such reports have been received, the State Superintendent of Education shall cause them to be tabulated so as to show the academic performance of graduates from the respective high schools who entered institutions of higher learning. When such tables have been prepared, they shall be included in the annual report of the State Superintendent of Education as presented to the General Assembly. The State Superintendent of Education shall acquaint the proper officials of the institutions of higher learning with the requirements of § 59–101–130.

HISTORY: 1962 Code § 22-11; 1952 Code § 22-11; 1947 (45) 317; 1962 (52) 1719.

§ 59–101–150. Approval of new programs.

No new program shall be undertaken by any State-supported institution of higher learning without the approval of the Commission or the General Assembly.

HISTORY: 1962 Code § 22-11.1; 1973 (58) 691.

§ 59–101–160. Degrees of Columbia Bible College.

The board of trustees of Columbia Bible College, formerly named the Columbia Bible School, may confer such degrees as it shall determine. A diploma from the Columbia Bible College may entitle the holder to be accredited by the State Board of Education in like manner as diplomas are now accredited from other schools and colleges.

HISTORY: 1962 Code § 22-12; 1952 Code § 22-12; 1942 Code § 5398; 1935 (39) 130.

§ 59–101–170. Liability insurance.

All institutions of higher learning in the State are authorized to procure liability insurance in amounts deemed reasonable and necessary by their respective boards of trustees for the benefit and protection of employees who may be liable to third persons who are injured or killed or whose property is damaged as a result of negligence of the employee in the performance of his or her regularly assigned duties. *Provided,* that such insurance shall not include physicians' and dentists' professional (malpractice) liability insurance coverage.

The premiums on all insurance contracts as herein authorized shall be paid from funds of the institution concerned and shall be considered a part of the general expense of that institution.

Actions brought for damages or injury covered by the insurance authorized by this section shall be brought directly against the individuals insured by such policies and neither the State nor the particular institution concerned shall be a party to such action nor shall any provision of this section be construed as a waiver of the State's general immunity from liability and suit.

HISTORY: 1962 Code § 22-14; 1968 (55) 2855.

Research and Practice References—

15 Am Jur 2d, Colleges and Universities §§ 35, 37.

14 CJS, Colleges and Universities § 15.

5 Am Jur Pl & Pr Forms (Rev ed), Colleges and Universities, Form 42 (affidavit in support of student's claim for personal injury).

ALR and L Ed Annotations—

Proof of prospective earning capacity of student or trainee, or of its loss, in action for personal injury or death. 15 ALR2d 418.

Personal liability of public school officers, or teachers or other employees for negligence. 32 ALR2d 1163.

§ 59–101–180. Sale and disposal of real property.

Any institution of higher learning supported in whole or in part by the State shall have the power to sell and dispose of any of its real estate other than buildings with the consent of two thirds of the members of the board of trustees.

HISTORY: 1962 Code § 22-14.1; 1968 (55) 2855.

Research and Practice References—

15 Am Jur 2d, Colleges and Universities § 29.

14 CJS, Colleges and Universities § 11.

§ 59–101–185. Governing boards of state institutions of higher learning authorized to maintain financial management and accounting systems.

Authority to maintain financial management and accounting systems is delegated to the Board of Trustees or Boards of Visitors of the following State institutions of higher learning: The University of South Carolina, Clemson University, The Medical University of South Carolina, The Citadel, Winthrop College, S. C. State College, Francis Marion College, The College of Charleston, and Lander College. Such systems shall provide financial information to the Comptroller General's Statewide Accounting and Reporting System (STARS) in the format and level of detail as prescribed by the Comptroller General.

HISTORY: 1982 Act No. 466 Part II § 8, eff June 15, 1982.

§ 59–101–190. Dean's Committee on Medical Doctor Education.

There is hereby created a Dean's Committee on Medical Doctor Education consisting of seven (7) members as follows:

(1) President, University of South Carolina

(2) President, Medical University of South Carolina

(3) Dean or Acting Dean, School of Medicine, University of South Carolina

(4) Dean or Acting Dean, School of Medicine, Medical University of South Carolina

(5) Governor of South Carolina or his appointee

(6) Chairman, Commission on Higher Education, or his appointee

(7) An appointee of the Veteran's Administration

The purpose of the committee shall be to establish an active liaison between the two schools of medicine, to study and make proposals as to the feasibility of sharing services and resources so as to minimize duplication of administrative and research functions, to assist in the coordination of graduate medical education of interns and residents at the respective institutions and at affiliated community hospitals, and upon request, to serve in an advisory capacity to the General Assembly and its committees, to the Budget and Control Board, to other institutions of higher education, and to any hospital operating a graduate medical education program.

The intent of the General Assembly in establishing this committee is to help assure that the future growth and development of both schools of medicine will be coordinated so as to achieve maximum effectiveness, and further to help assure that the administrative functions and mechanisms are coordinated so as to achieve the highest possible degree of operational efficiency. It is not the intent of the General Assembly to merge the two Schools of Medicine or to place either school in a position of control over the other.

The Committee shall meet for organizational purposes before July 31, 1976, and at least quarterly thereafter. The committee shall elect a chairman and any other officers as deemed necessary by the committee.

The Commission on Higher Education will furnish adequate meeting space or secretarial assistance upon request of the committee.

HISTORY: 1976 Act No. 709 Part II § 6.

§§ 59–101–200 through 59–101–270.

[En 1981 Act No. 178, Part II, § 26] **Repealed** by 1988 Act No. 658, Part II, § 13A, eff July 1, 1988.

Editor's Note—

Former §§ 59-101-200 through 59-101-270 provided for the location of the principal office of the Charleston Higher Education Consortium, its members, the terms, and adding members; provided for a Board of Directors of the consortium and its members and officers; provided for an advisory committee; provided the purpose of the consortium; provided the duties of the consortium; provided for a master plan and annual reports; provided for an executive director; and provided for the reduction of employees of members when the number of employees of the consortium increased.

The Charleston Higher Education Consortium was created by Part II, Section 24 of 1969 Act No. 349 (the General Appropriations Act).

§ 59–101–280. Colleges and universities to emphasize teaching as career opportunity.

Acting through guidelines adopted by the Commission on Higher Education, the publicly supported colleges and universities of this State shall emphasize teaching as a career opportunity and develop programs providing students interested in a teaching career with opportunities to tutor other students.

HISTORY: 1984 Act No. 512, Part II, § 9, Division II, Subdivision C, SubPart 1, § 1(B), became law on June 28, 1984, without the Governor's signature.

§ 16–13–330. Stealing or damaging works of literature or objects of art.

Any person who shall steal or unlawfully take or wilfully or maliciously write upon, cut, tear, deface, disfigure, soil, obliterate, break or destroy, or who shall sell or buy or receive, knowing it to have been stolen, any book, pamphlet, document, newspaper, periodical, map, chart, picture, portrait, engraving, statue, coin, medal, equipment, specimen, recording, film or other work of literature or object of art belonging to or in the care of a library, gallery, museum, collection, exhibition or belonging to or in the care of any department or office of the State or local government, or belonging to or in the care of a library, gallery, museum, collection or exhibition which belongs to any incorporated college or university or which belongs to any institution devoted to educational, scientific, literary, artistic, historical or charitable purposes shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars or imprisonment for not more than thirty days.

HISTORY: 1962 Code § 16-372; 1958 (50) 1929.

§ 16–13–331. Unauthorized removal or concealment of library property prohibited; penalty.

Whoever, without authority, with the intention of depriving the library or archive of the ownership of such property, willfully conceals a book or other library or archive property, while still on the premises of such library or archive, or willfully or without authority removes any book or other property from any library or archive or collection shall be deemed guilty of a misdemeanor and upon conviction shall be punished in accordance with the following: (1) by a fine of not more than six hundred dollars or imprisonment for not more than six months; *provided*, however, that if the value of the library or archive property is less than fifty dollars, the punishment shall be a fine of not more than one hundred dollars or imprisonment for not more than thirty days. Proof of the willful concealment of any book or other library or archive property while still on the premises of such library or archive shall be prima facie evidence of intent to commit larceny thereof.

HISTORY: 1980 Act No. 334, eff March 20, 1980.

Cross references—

As to libraries and archives, generally, see Title 60.

§ 16–13–340. Failure to return books, newspapers, magazines and the like borrowed from library and other institutions.

Whoever borrows from any county library or municipal, school, college or other institutional library or gallery, museum, collection or exhibition any book, newspaper, magazine, manuscript, pamphlet, publication, recording, film or other article belonging to or in the care of such library, gallery, museum, collection or exhibition under any agreement to return it and thereafter fails to return such book, newspaper, magazine, manuscript, pamphlet, publication, recording, film or other article shall be given written notice, mailed to his last known address or delivered in person, to return such book, newspaper, magazine, manuscript, pamphlet, publication, recording, film or other article within fifteen days, and in the event that such person shall thereafter wilfully and knowingly fail to return such borrowed article within fifteen days, such person shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars or imprisonment for not more than thirty days, provided the notice required by this section shall bear upon its face a copy of this section.

HISTORY: 1962 Code § 16-373; 1958 (50) 1929.

§ 16–13–350. Posting copies of §§ 16–13–330 to 16–13–370.

Every county library or municipal, school, college or other institutional library or gallery, museum, collection or exhibition or any such institution belonging to any incorporated college or library or belonging to any incorporated institution devoted to educational, scientific, literary, artistic, historical or charitable purposes whose books, newspapers, magazines, manuscripts, pamphlets, publications, recordings, films or other articles are covered by or protected by §§ 16–13–330 and 16–13–340, shall post and display in at least two public places within such institution or library a copy of §§ 16–13–330 to 16–13–370 so that they may be read by anyone going into, visiting or belonging to such institution and borrowing books or other documents from such institution.

HISTORY: 1962 Code § 16-374; 1958 (50) 1929.

§ 16–13–360. Disposition of fines collected under §§ 16–13–330 and 16–13–340.

Any and all fines collected pursuant to the terms of §§ 16–13–330 and 16–13–340 shall be paid into the fund of the county library or municipal, school, college or other institutional library or gallery, museum, collection or exhibition injured by the act of the person so fined.

HISTORY: 1962 Code § 16-375; 1958 (50) 1929.

§ 16–13–370. Cumulative effect of §§ 16–13–330 to 16–13–360.

The provisions of §§ 16–13–330 to 16–13–360 are not intended as a substitute for or a replacement of any penalties now provided by law, but shall be considered accumulative and in addition thereto.

HISTORY: 1962 Code § 16-376; 1958 (50) 1929.

§ 16–17–420. Disturbing schools.

It shall be unlawful:

(1) For any person wilfully or unnecessarily (a) to interfere with or to disturb in any way or in any place the students or teachers of any school or college in this State, (b) to loiter about such school or college premises or (c) to act in an obnoxious manner thereon; or

(2) For any person to (a) enter upon any such school or college premises or (b) loiter around the premises, except on business, without the permission of the principal or president in charge.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and, on conviction thereof, shall pay a fine of not less than one hundred dollars nor more than one thousand dollars or be imprisoned in the county jail for not less than thirty days nor more than ninety days.

HISTORY: 1962 Code § 16-551; 1952 Code § 16-551; 1942 Code § 1129; 1932 Code § 1129; Cr. C. '22 § 28; 1919 (31) 239; 1968 (55) 2308; 1972 (57) 2620.

ALR and L Ed Annotations—

Validity of loitering statutes and ordinances. 25 ALR3d 836.

Participation of student in demonstration or near campus as warranting imposition of criminal liability for breach of peace, disorderly conduct, trespass, unlawful assembly, or similar offense. 32 ALR3d 551.

Tort liability of public schools and institutions of higher learning for injuries caused by acts of fellow students. 36 ALR3d 330.

Immunity of private schools and institutions of higher learning from liability in tort. 38 ALR3d 480.

Validity and construction of statute or ordinance forbidding unauthorized persons to enter upon or remain in school building or premises. 50 ALR3d 340.

CASE NOTES

Cited in DeLee v School Dist. (1969, DC SC) 306 F Supp 905; Herman v University of South Carolina (1971, DC SC) 341 F Supp 226.

The First Amendment loses none of its awesome force when taken to the campuses of America. Students and teachers have every right to freedom of expression. Bistrick v University of South Carolina (1971, DC SC) 324 F Supp 942.

The First Amendment imposes on a state university, fully as much as on a state itself, three rules: (1) Expression cannot be prohibited because of disagreement with or dislike for its contents. (2) Expression is subject to reasonable and nondiscriminatory regulations of time, place, and manner. (3) Expression can be prohibited if it takes the form of action that materially and substantially interferes with the normal activities of the institution or invades the rights of others. Bistrick v University of South Carolina (1971, DC SC) 324 F Supp 942.

A "takeover" of a campus building, where a minority group of dissidents sought to force University officialdom, and other students, from the building and prevent the use of the building for ordinary scheduled and expected purposes, was a form of expression which took the form of action that materially and substantially interfered with the normal activities of the University and invaded the rights and privileges of others. Bistrick v University of South Carolina (1971, DC SC) 324 F Supp 942.

ATTORNEY GENERAL'S OPINIONS

The Greenville County Commission for Technical Education can prohibit all salesmen from going onto the campus of Greenville TEC during regular working hours. 1975-76 Op Atty Gen. No 4292, p 111.

§ 16–17–550. Bribery of athletes and athletic officials.

(1) *Unlawful to bribe athletes or athletic officials or to accept such bribes.*—It shall be unlawful to bribe or offer to bribe any player, manager, coach, referee, umpire or any other participant or official of any athletic contest with intent to influence the play, action, conduct, or decision of any such person or for any such person to accept or agree to accept such bribe or offer for the purpose of losing, trying to lose or trying to limit the margin of victory or defeat in any athletic contest or to aid or abet or assist in any manner whatsoever in any such bribe.

(2) *Section to be cumulative to other laws.*—This section shall not be construed as repealing or modifying any other provisions of law but shall be cumulative to such other provisions of law.

(3) *Penalties.*—Any person violating the provisions of this section shall be guilty of a felony and upon conviction shall be fined not more than ten thousand dollars or be imprisoned for not more than ten years or both in the discretion of the court.

HISTORY: 1962 Code § 16-570.1; 1962 (52) 1732.

§ 16–17–710. Selling tickets to athletic contest, sporting, entertainment or amusement event for more than prescribed amount.

(1) It shall be unlawful to sell or offer for sale any ticket good for admission to any athletic contest, sporting, entertainment or

amusement event where an admission price is charged, and request or receive a price in excess of one dollar of the price charged by the original seller.

(2) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days.

The sale or offer for sale of each ticket shall constitute a separate offense.

HISTORY: 1962 Code § 16-575; 1968 (55) 2692; 1977 Act No. 64.

Cross references—

As to applicability of provisions pertaining to use of uniform traffic ticket, see § 56-7-10.

Research and Practice References—

4 Am Jur 2d, Amusements and Exhibitions §§ 4, 5.

§ 59-1-370. Closing of educational institutions on general election day.

All State-supported colleges and universities, technical education centers and public schools shall be closed general election day in November of each even-numbered year. This day shall not be considered as one of the regular school days for the year for public schools.

HISTORY: 1977 Act No. 88.

Effect of Amendments—

The **1977** amendment inserted the words "State-supported colleges and universities, technical education centers and" in the first sentence of this section, and inserted the words "for public schools" in the second sentence.

§ 60-2-30. Duties of state agencies, departments and state-supported colleges and universities.

All state agencies, departments and state-supported colleges and universities shall forward to the State Library at least fifteen copies of every state publication that such agency, department, college or university prints or causes to be printed within fifteen days after such printing. *Provided,* that additional state funds be used only in the publication and mailing of state publications, and not in their handling and storage. The State Librarian may waive the deposition of any agency publication if:

(1) The publication is of ephemeral value;

(2) Less than ten copies are to be printed; or

(3) The issuing agency requests a waiver.

Provided, the State Library shall make a report to the General Assembly by January 1, 1983, on the cost of compliance, to include, but not limited to, the cost of storage space, clerical and librarian help, mailing and handling, and new positions and additional space that may be required for the State Library and each of the depository libraries.

HISTORY: 1982 Act No. 348, § 1, eff July 1, 1982.

§ 8-17-380. Grievance and performance appraisal procedure for academic employees.

With respect to the teaching and research faculty, professional librarians, academic administrators, and all other persons holding faculty appointments at any post-secondary educational institutions described in item (10) of § 8-17-370, each such institution, subject to the approval of the State Budget and Control Board or its designee and the Commission on Higher Education, shall establish in writing:

(a) A performance appraisal procedure which shall assure:

  (1) annual review and evaluation of such employees;
  (2) written findings;
  (3) review of evaluations with each covered employee;
  (4) retention of performance appraisals and written comments of such employee, if any, in a permanent file with right of full disclosure to the employee.

(b) A grievance procedure which shall at an appropriate stage provide a hearing for such employees before an individual or committee designated for such purposes, at which the employee shall have the right to representation by counsel and the opportunity to present evidence in his behalf. Any such procedure shall include the right of the employee to appeal the post-hearing decision to the governing board of the institution, or a committee designated by the board for this purpose, such appeal to be limited to the record of the hearing. Discrimination in compensation, promotion, and work assignment shall be subjects for consideration by such grievance procedure. Dismissal of tenured or other permanent employees and dismissal prior to the end of an employment contract term shall be only for cause, and shall be subject for consideration by such grievance procedure. The granting or the failure to grant tenured status to such employees or nonrenewal of employment contracts at the end of the contract term shall not be subjects for consideration by such grievance procedure.

The grievance and performance appraisal procedure provided for herein shall be submitted to the State Budget and Control Board or its designee and the Commission on Higher Education for approval within six months after the establishment of any new institution.

HISTORY: 1982 Act No. 402, § 8.

§ 59-29-40. Required subjects; films depicting nature of alcoholic drinks and narcotics; special instruction as to their effect.

Films depicting the nature of alcoholic drinks and narcotics and special instructions as to their effect upon the human system shall be taught in all the junior high and high schools of this State and shall be studied and taught as thoroughly and in the same manner as all other required branches in such schools, as may be required by the State Board of Education. Such films shall be presented at orientation programs of all State-supported institutions of higher learning. The South Carolina Television Center shall make available to such schools and institutions television programs and films with commentary relative to such subject matter and the school shall require each student enrolled therein to view such program or film. The State Board of Education or the college or university officials, as the case may be, shall provide for the enforcement of the provisions of this section.

HISTORY: 1962 Code § 21-412.2; 1969 (56) 702.

Cross references—

As to the regulation of alcoholic beverages, generally, see Title 61.

§ 59-29-50. Required subjects; traffic laws.

The State Department of Education and the trustees of the State institutions of higher learning shall establish and require to be taught in the respective schools under their control a course of instruction on the traffic laws of this State. Such course of instruction shall be by lectures.

HISTORY: 1962 Code § 21-413; 1952 Code § 21-413; 1942 Code § 5326; 1934 (38) 1363.

Cross references—

As to traffic laws, generally, see Title 56.

§ 59-29-90. Physical education courses in teacher training colleges.

All colleges, schools and other educational institutions in this State giving teacher training shall provide a course or courses in physical education, training and instruction, and every pupil attending any such college, school or educational institution in preparation for teaching service shall take such course or courses.

HISTORY: 1962 Code § 21-417; 1952 Code § 21-417; 1942 Code § 5325; 1932 Code § 5343; 1924 (33) 996.

ALR and L Ed Annotations—

Tort liability of public schools and institutions of higher learning for accidents occurring in physical education classes. 36 ALR3d 361.

§ 59-29-100. Supervision of administration of physical education program by State Superintendent of Education.

The State Superintendent of Education shall supervise the administration of §§ 59-29-80 and 59-29-90 and shall prescribe the necessary course or courses in physical education, training and instruction and make such rules and regulations and prepare or cause to be prepared, published and distributed any such manual of instruction or course or courses of study or other matter as he may deem necessary or suitable to carry out the provisions thereof.

HISTORY: 1962 Code § 21-418; 1952 Code § 21-418; 1942 Code § 5325; 1932 Code § 5343; 1924 (33) 996.

§ 59-29-110. Instruction in military science and tactics.

The board of trustees of any State high school district may, with the approval and consent of the county board of education, provide for theoretical and practical instruction and training in military science and tactics in their high school, prescribe the grades in which such instruction and training shall be given and provide the necessary instructors and materials for the same. The State Board of Education shall establish and promulgate proper and suitable rules and regulations governing such instructions and training, and the Adjutant General shall assist and cooperate with the State Board of Education in the preparation of suitable rules and regulations to govern and control such instruction and training in State high schools and shall exercise such supervision and control of such instruction and training as the State Board of Education may approve and require. Any such high school may, under such rules and regulations as the State Board of Education may prescribe, install and maintain United States junior reserve officers training corps units.

HISTORY: 1962 Code § 21-419; 1952 Code § 21-419; 1942 Code § 5321; 1932 Code § 5338; Civ. C. '22 § 2589; Civ. C. '12 § 1731; Civ. C. '02 § 1201; 1896 (22) 161; 1942 (42) 1453.

§ 59-29-120. Study of United States Constitution requisite for graduation; proof of loyalty.

All high schools, colleges and universities in this State that are sustained or in any manner supported by public funds shall give instruction in the essentials of the United States Constitution, including the study of and devotion to American institutions and ideals, and no student in any such school, college or university shall receive a certificate of graduation without previously passing a satisfactory examination upon the provisions and principles of the United States Constitution, and, if a citizen of the United States, satisfying the examining power of his loyalty thereto.

HISTORY: 1962 Code § 21-420; 1952 Code § 21-420; 1942 Code § 5324; 1932 Code § 5342; 1924 (33) 1186.

§ 59–29–130. Duration of instruction in essentials of United States Constitution.

The instruction provided for in § 59–29–120 shall be given for at least one year of the high school, college and university grades, respectively.

HISTORY: 1962 Code § 21-421; 1952 Code § 21-421; 1942 Code § 5324; 1932 Code § 5342; 1924 (33) 1186.

§ 59–29–140. Enforcement of program of study of United States Constitution by State Superintendent.

The State Superintendent of Education shall make due arrangements for carrying out the provisions of §§ 59–29–120 and 59–29–130. For such purpose the State Superintendent shall prescribe suitable texts adapted to the needs of the high schools, universities and colleges for the instruction required under §§ 59–29–120 and 59–29–130.

HISTORY: 1962 Code § 21-422; 1952 Code § 21-422; 1942 Code § 5324; 1932 Code § 5342; 1924 (33) 1186.

§ 59–29–150. Failure to comply with requirements for program of study of United States Constitution as cause for dismissal.

Willful neglect or failure on the part of any public school superintendent, principal or teacher or the president, teacher or other officer of any high school, normal school, university or college to observe and carry out the requirements of §§ 59–29–120 to 59–29–140 shall be sufficient cause for the dismissal or removal of such person from his position.

HISTORY: 1962 Code § 21-423; 1952 Code § 21-423; 1942 Code § 5324; 1932 Code § 5342; 1924 (33) 1186.

§ 59–29–160. Two units of mathematics requisite for graduation.

Every student in an accredited high school in this State shall, as a prerequisite to graduation therefrom, successfully complete at least two units of work in the field of mathematics.

HISTORY: 1962 Code § 21-424; 1958 (50) 1876.

§ 60–11–40. Department under control of Commission of Archives and History; membership and meetings of Commission; terms of office of members; vacancies.

(1) *Control and membership.* The South Carolina Department of Archives and History is under the control of the South Carolina Commission of Archives and History, consisting of five ex officio members and five non-ex officio members.

(2) *Ex officio members.* The five ex officio members are the heads of the departments of history of the University of South Carolina, The Citadel, Clemson University, Winthrop College, and the head of the Department of Political Science and History of South Carolina State College, and their successors.

[See parent volume for subsections (3) through (5)]

HISTORY: 1985 Act No. 102, § 1, eff May 21, 1985.

Editor's Note—

Section 20 of Part II of 1976 Act No. 709 provides as follows:

"Notwithstanding any other provision of law, the Chairman of the S. C. American Revolution Bicentennial Commission shall be an ex officio member of the S. C. Commission of Archives and History and the State Parks, Recreation and Tourism Commission during the Bicentennial Era which terminates in 1983."

Effect of Amendment—

The 1985 amendment, in subsections (1) and (2), increased the number of ex officio members from four to five by adding the head of the department of political science and history of South Carolina State College as an ex officio member.

§ 59–31–250. State institutions of higher learning authorized to establish textbook rental systems.

Any State institution of higher learning may, in the discretion of its board of trustees or other governing body, set up a textbook rental system in the same manner as is provided in § 59–31–210 for school districts and may choose or purchase its own textbooks. All funds received by such institutions from rental of books belonging to such institutions shall be retained by them respectively.

HISTORY: 1962 Code § 21-475; 1952 Code § 21-475; 1942 Code § 5286; 1936 (39) 1549; 1937 (40) 206; 1939 (41) 1; 1945 (44) 266.

University of South Carolina

§ 59–117–10. Composition of board of trustees of the University of South Carolina.

The board of trustees of the University of South Carolina shall be composed of the Governor of the State (or his designee), the State Superintendent of Education, the Chairman of the Senate Committee on Education (or his designee from that committee), the Chairman of the House Committee on Education and Public Works (or his designee from that committee), and the President of the Greater University of South Carolina Alumni Association, which five shall be members ex officio of the board; and seventeen other members including one member from each of the sixteen judicial circuits to be elected by the general vote of the General Assembly as hereinafter provided, and one at-large member appointed by the Governor. The Governor shall make the appointment based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina.

HISTORY: 1983 Act No. 130, § 4, eff June 15, 1983; 1983 Act No. 132, § 3, eff June 10, 1983.

Effect of Amendments—

This section was amended by 1983 Act No. 130, § 4, effective June 14, 1983, and by 1983 Act No. 132, § 3, effective June 10, 1983. As set out above, this section reflects the language of 1983 Act No. 130 as being the latest legislative expression on the subject. Section 4 of 1983 Act No. 130 substantially revised this section.

Cross references—

For provisions fixing terms and elections of members of the Board of Trustees for the University of South Carolina, see § 59–117–20.

ATTORNEY GENERAL'S OPINIONS

A Member of the Board of Trustees of the University of South Carolina is required to be a resident of the judicial circuit which he represents. 1974–75 Op Att'y Gen, No 4025, p 99.

Chairman of legislative committee serving ex officio on State board or commission would continue to serve as member of such board or commission until new chairman is appointed. 1984 Op Atty Gen, No. 84-129, p. 298.

§ 59–117–20. Terms of elected members of board.

The regular term of office of each trustee elected by the General Assembly is four years; however, the trustee shall continue to function as a trustee after his term has expired until his successor is elected and qualifies. Trustees from the first, third, fifth, seventh, ninth, eleventh, twelfth, and thirteenth judicial circuits whose terms expire March 31, 1982, must next be elected for terms commencing on April 1, 1982, and those terms expire on June 30, 1986. Trustees from the second, fourth, sixth, eighth, tenth, fourteenth, fifteenth, and sixteenth judicial circuits elected for terms to commence April 1, 1984, shall have their terms extended to June 30, 1988, and must next be elected for terms commencing on July 1, 1988. Thereafter, the General Assembly shall hold elections every two years for the purpose of selecting successors of those trustees whose terms are then expiring. The term of office of an elective trustee commences on the first day of July of the year in which the trustee under this plan is scheduled to be elected and the term continues until the thirtieth day of June of the year in which the term is scheduled to expire. After its 1984 session, the General Assembly shall elect successors to those elective trustees whose terms are expiring not earlier than the first day of April of the year the term expires. In electing members of the board, the General Assembly shall elect members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina.

The term of office of the at-large trustee appointed by the Governor is effective upon certification to the Secretary of State and is four years. If the Governor, the chairman of the Senate Committee on Education, or the chairman of the House Committee on Education and Public Works chooses to designate a member to serve in his stead as permitted by § 59-117-10, the appointment is effective upon certification to the Secretary of State and shall continue, at the pleasure of those making the appointment, so long as they continue to hold the specified office.

The term of the President of the Greater University of South Carolina Alumni Association is for the active term of office as president.

HISTORY: 1983 Act No. 130, § 5, eff June 15, 1983; 1983 Act No. 132, § 4, eff June 10, 1983; 1984 Act No. 354, § 3, eff April 30, 1984.

Effect of Amendments—

This section was amended by 1983 Act No. 130, § 5, effective June 15, 1983, and by 1983 Act No. 132, § 4, effective June 10, 1983. As set out above, this section reflects the language of 1983 Act No. 130 as being the latest legislative expression on the subject. Section 5 of 1983 Act No. 130 substantially revised this section.

The **1984** amendment substantially rewrote this section.

§ 59–117–30. Vacancies; compensation.

In case a vacancy should occur in the board among the members elected by the General Assembly, the Governor may fill it by appointment until the next session of the General Assembly. Any vacancy occurring in the office of the member appointed by the Governor shall be filled for the remainder of the unexpired term by appointment in the same manner of original appointment. Each member of the board shall draw such per diem and expenses as from time to time may be allowed boards, commissions, and committees.

Elections to fill vacancies which are caused by the death, resignation, or removal of an elective trustee may be held earlier than the first day of April of the year in which the unexpired term terminates, but the term of the person elected to fill the vacancy expires on the last day of June of the year in which the term of the former member would have expired.

HISTORY: 1978 Act No. 532, eff June 9, 1978; 1983 Act No. 130, § 6, eff June 15, 1983; 1983 Act No. 132, § 5, eff June 10, 1983; 1984 Act No. 354, § 4, eff April 30, 1984.

Effect of Amendments—

The **1978** amendment substantially rewrote the second sentence so as to provide that the board may draw per diem and expenses as allowed by law.

This section was amended by 1983 Act No. 130, § 6, effective June 15, 1983, and by 1983 Act No. 132, § 5, effective June 10, 1983. As set out above, paragraph one of this section reflects the language of 1983 Act No. 130 as being the latest legislative expression on the subject. Section 6 of 1983 Act No. 130 added the provision for filling a vacancy which occurs in the office of a member appointed by the Governor.

The **1984** amendment added the second paragraph.

§ 59–117–40. Board constituted body corporate and politic; powers.

The board of trustees of the University of South Carolina is and is hereby constituted a body corporate and politic, in deed and in law under the name of the University of South Carolina. Such corporation has the following powers:

(1) To have perpetual succession;

(2) To sue and be sued by the corporate name;

(3) To have a common seal and to alter it at pleasure;

(4) To make contracts and to have, to hold, to purchase and to lease real estate and personal property for corporate purposes; and to sell and dispose of personal property and any buildings that are deemed by it as surplus property or not further needed and any buildings that it may need to do away with for the purpose of making room for other construction. All such powers shall be exercised in a manner consistent with the provisions of Chapter 35 of Title 11 of the 1976 Code.

(5) To appoint a chairman of the board of trustees and to appoint a University president, treasurer and secretary, and in the appointment of these latter three to prescribe their duties and their terms of office and to fix their compensation;

(6) To appoint or otherwise provide for the appointment of subordinate and assistant officers and agents, faculty members, instructors and other employees prescribing the terms of their employments, their duties, and fixing their compensations;

(7) To make bylaws and all rules and regulations deemed expedient for the management of its affairs and its own operations not inconsistent with the Constitution and laws of this State or of the United States;

(8) To condemn land for corporate purposes as provided in § 59-117-70;

(9) To fix tuition fees and other charges for students attending the University, but these shall not be inconsistent with statutes where the legislature undertakes to fix such fees and charges;

(10) To confer degrees upon students and such other persons as in the opinion of the board of trustees may be qualified to receive them;

(11) To accept, receive and hold all moneys or other properties, real and personal, that may be given, conveyed, bequeathed or devised to the University and to use them for the benefit of the University but in those cases where such money or property is received charged with any trust then in every case such money or property shall be held and used strictly in accordance with the terms of such trust; *provided, however,* where the terms of any such trust would require something to be done other than merely to administer the trust no obligation in receiving the trust over and above merely its administration shall be binding upon the University or the State except such as are accepted by the General Assembly;

(12) To assign any member of the faculty to additional duties in any other University department than that in which the faculty member may at the time be working and without additional salary;

(13) In all investigations touching the affairs of the University the board of trustees is invested with full powers to compel by subpoena, rule and attachment witnesses to appear and testify and papers to be produced and read before such board;

(14) To adopt such measures and make such regulations as may in the discretion of the board of trustees be necessary for the proper operation of the University;

(15) To appoint for the University a board of visitors of such number as the board of trustees may deem expedient, and to regulate the terms during which the members of such board shall serve, and to prescribe the functions of such board of visitors;

(16) To remove any officer, faculty member, agent or employee for incompetence, neglect of duty, violation of University regulations, or conduct unbecoming a person occupying such a position;

(17) To appoint an executive committee not exceeding five members of the board who shall have all the powers of the board during the interim between meetings of the board but not the power to do anything which is inconsistent with the policy or action theretofore taken by the board, and the executive committee shall at each meeting of the board report fully all action taken by it during the interim; and

(18) To appoint committees of the board of trustees or officers or members of the faculty of the University, with such power and authority and for such purposes in connection with the operation of the University as the board of trustees may deem wise.

HISTORY: 1981 Act No. 114, § 12, eff July 30, 1981.

Effect of Amendments—

The **1981** amendment substituted the present last sentence in item (4) for a former proviso that the University had no power to sell or dispose of any of its real estate, other than buildings, except with the consent of the General Assembly.

ALR and L Ed Annotations—

Validity of regulation of college or university denying or restricting right of student to receive visitors in dormitory. 78 ALR3d 1109.

CASE NOTES

Power of University of South Carolina to lower retirement age to 65 from state mandatory retirement age of 70 is issue for state to determine, and where constitutional issues presented by plaintiff seeking to enjoin enforcement of this rule are dependent upon the state issue, and issue is novel to state, federal court will grant motion for abstention subject to condition that presentation of state court issue, for declaratory relief, be immediately, diligently, and expenditiously pursued by defendant. Batson v University of South Carolina (1977, DC SC) 443 F Supp 127.

Mandatory retirement age for university faculty.—The retirement policy of the University of South Carolina, under which teaching faculty must retire at the age of 65, violated statute making 70 both the maximum and minimum mandatory retirement age for members of the state retirement system; nor was there anything in the University's Enabling Act authorizing the university to establish its own retirement schedule. University of South Carolina v Batson (1978, SC) 246 SE2d 882.

ATTORNEY GENERAL'S OPINIONS

The proceeds from the sale of personal property owned by the University of South Carolina should not be retained by the Budget and Control Board, but should be remitted to the University. 1975–76 Op Atty Gen, No 4406, p 250.

The Board of Trustees of the University of South Carolina may adopt a plan under which tuition payments may be made in two or more equal portions with the amounts being paid in advance for a proportionate period of the semester. 1976–77 Op Atty Gen, No 77-22, p 31.

A physician's assistant can carry out administrative tasks and conduct routine tests such as checking blood pressure, weight, etc., for a new patient but cannot perform any task requiring the exercise of independent medical judgment or medical interpretation; moreover, all tasks performed by a physician's assistant must be individually approved by the State Board of Medical Examiners; a physician's assistant cannot write patient care orders except when a physician is physically present and dictates to the assistant; under no circumstances can a physician's assistant prescribe medicine. 1978 Op Att'g Gen, No 78-149, p 182.

A faculty member of a state college or university may appeal to the State Employee Grievance Committee once he has completed six months of satisfactory service, or after an official extension of not to exceed three months and he is appraised satisfactorily. 1978 Op Att'y Gen, No 78-150, p 183.

The authority of a college president or the college's board of trustees in matters involving tenure and contracts of employment depends upon how much authority has been delegated or retained by the board of trustees. Any limitations imposed by the Freedom of Information Act, such as ratifying action taken in executive session, must necessarily take into consideration delegation of authority, which would be a factual determination made on a college-by-college basis. 1986 Op Att'y Gen, No. 86-8, p 36.

§ 59–117–50. Meetings of board; quorum.

The board of trustees shall meet not less frequently than quarterly, the time and place of each such regular meeting to be fixed by the chairman of the board or otherwise as the board of trustees shall provide. If the Governor chooses to serve as an ex officio member of the board, he shall preside at all regular and special meetings of the board of trustees in which he is in attendance. At those meetings at which the Governor is not in attendance the chairman of the board of trustees shall preside and in his absence such member shall preside as the board may select. The Governor of the State (if serving as an ex officio member of the board), the chairman of the board of trustees, and the president of the University shall each have the power to call a special meeting of the board of trustees and fix the time and place thereof. Any five members of the board shall likewise have this power. A majority of the members of the board of trustees shall constitute a quorum for the transaction of all business of the board but not less than a majority vote of the whole board shall be required for the election or removal of a president. It shall be the duty of the president and other officers as well as members of the faculty to attend meetings of the board of trustees when requested to so.

Notice of the time and place of all meetings, both regular and special meetings, of the board of trustees of the University of South Carolina shall be mailed by the secretary or his assistant to each trustee not less than five days before each meeting thereof.

HISTORY: 1983 Act No. 130 § 7, eff June 15, 1983.

Effect of Amendments—

The 1983 amendment increased the number of meetings which the Board must convene, changed provisions relating to time of year at which Board must meet, provided for the time and place of each meeting to be fixed by the Chairman of the Board, and made other minor changes to the text.

§ 59–117–60. Property and rights vested in University.

All property, real and personal, and rights of every description which have heretofore been vested in the South Carolina College and the University of South Carolina and the trustees of the University of South Carolina are vested in the "University of South Carolina."

HISTORY: 1962 Code § 22-106; 1952 Code § 22-107; 1942 Code § 5718; 1932 Code § 5718; Civ. C. '22 § 2781; Civ. C. '12 § 1850; Civ. C. '02 § 1264; R. S. 1100; 1899 (23) 105; 1900 (23) 358; 1953 (48) 368.

§ 59–117–70. Right of condemnation by board.

The trustees of the University of South Carolina may, in their discretion, make use of the provisions of the Eminent Domain Procedure Act (Chapter 2 of Title 28) to acquire land for which funds are provided by the General Assembly.

HISTORY: 1987 Act No. 173 § 53, eff nine months from approval by Governor (approved by Governor on June 30, 1987).

Effect of Amendment—

The **1987** amendment replaced a reference to Chapter 5 of Title 28, the Public Works Eminent Domain Act, with the Eminent Domain Procedure Act, 28-2-10 et seq.

CASE NOTES

This section [Code 1962 § 22-107] prescribes the manner and procedure to be invoked by the University in condemning property for its corporate purposes. University of South Carolina v Mehlman, 245 SC 180, 139 SE2d 771 (1964).

In exercise of power of eminent domain conferred by Code 1962 § 22-104.—This section [Code 1962 § 22-107] provides, by reference to Code 1962 §§ 25-101 et seq., a method of procedure for the exercise of the power of eminent domain that was conferred upon the board of trustees by Code 1962 § 22-104 (8). University of South Carolina v Mehlman, 245 SC 180, 139 SE2d 771 (1964).

Procedure prescribed by Public Works Eminent Domain Law made part of section.—In the absence of constitutional inhibition, there is no reason why the procedure prescribed by the "Public Works Eminent Domain Law," Code 1962 §§ 25-101 et seq., could not be made a part of this section [Code 1962 § 22-107] as fully and effectually as if such had been incorporated therein. University of South Carolina v Mehlman, 245 SC 180, 139 SE2d 771 (1964).

Only those parts of the "Public Works Eminent Domain Law" which are of a general nature are incorporated into this section [Code 1962 § 22-107]. University of South Carolina v Mehlman, 245 SC 180, 139 SE2d 771 (1964).

§ 59–117–80. Board authorized to lease or sell real property donated during fund campaign.

After obtaining the approval of the State Budget and Control Board, the board of trustees of the University of South Carolina is authorized to lease or to sell and convey from time to time any real property which may have been or may hereafter be donated to the University in the course of its current greater university fund campaign, or any similar campaign which may be conducted at any future time, for such consideration and upon such terms and at such times and in such manner as shall be set forth in the resolution of approval of the State Budget and Control Board. The proceeds of any such lease or sale shall be applied to the original purpose of the donation of the property leased or sold.

HISTORY: 1962 Code § 22-107.1; 1962 (52) 2237.

Research and Practice References—
14 CJS, Colleges and Universities § 11.

§ 59–117–90. Closing of streets bordered by University property.

The University of South Carolina is authorized to close any public road or street which is bordered on two sides by property now owned by the University or hereafter acquired by it. *Provided*, that no road or street shall be closed which is situated within the corporate limits of the city of Columbia without concurrence of the governing body of the city. *Provided, further*, that no section of the State highway system shall be closed without concurrence of the State Highway Department.

HISTORY: 1962 Code § 22-107.2; 1964 (53) 2196.

§ 59–117–100. President shall not be atheist or infidel.

The board of trustees shall take care that the president of the University shall not be an atheist or infidel.

HISTORY: 1962 Code § 22-108; 1952 Code § 22-113; 1942 Code § 5722; 1932 Code § 5722; Civ. C. '22 § 2785; Civ. C. '12 § 1854; Civ. C. '02 § 1268; R. S. 1105; 1899 (23) 105; 1900 (23) 358; 1953 (48) 368.

SOUTH CAROLINA INSTITUTE OF ARCHEOLOGY AND ANTHROPOLOGY

§ 60–13–210. Institute created; State Archaeologist; personnel; expenditures.

For the purpose of conducting archeological and anthropological research on behalf of the State, there is created the South Carolina Institute of Archeology and Anthropology, which must be under the general control of the University of South Carolina, but administratively separate from any other academic unit of the university below the level of college or school, and under the executive control of the Director of the Institute, who is designated State Archeologist. The Director must be experienced in archeological research, collections management, and archeological administration. A vacancy in the position of Director and State Archeologist must be filled at the level of associate professor or higher in accordance with the usual search committee procedures in effect for filing vacancies at the University of South Carolina.

As State Archeologist, the Director is responsible to the State for creating and maintaining the South Carolina Statewide Archeological Site Inventory including the site numbering system for the inventory and for curating the archeological collections of the State. He shall act in an advisory capacity to the State Historic Preservation Officer for ensuring the adequacy of all archeological research and the resulting reports of archeological research carried on in the State by any individual, organization, or other entity whether private or public. He shall conduct or cause to be conducted archeological field or laboratory investigations or both at his discretion on behalf of and in the best interests of the State, which investigations may be at prehistoric and historic sites on land or beneath state waters or outside the State when the research relates to archeological understanding of the heritage of the State.

As Director of the Institute he may, under appropriate state and university policies and procedures, enter the Institute into contracts and agreements and accept grants and gifts, and expend funds from these on behalf of the Institute, to conduct or cause to be conducted archeological or anthropological research or both at prehistoric and historic sites and areas on land or beneath state waters or outside the State, that may be expected to be beneficial to the State and that will preserve the archeological and anthropological heritage of the State and contribute to an understanding of that heritage.

He shall, in his discretion, and through the usual state and university policies and procedures, develop facilities and professional and support staff, including the employment of an associate director or a Deputy State Archeologist, or both, appropriate to the performance of his responsibilities and shall manage the day-to-day activities of the Institute in the best interests of the State.

He may cooperate with the Department of Anthropology and other academic departments at the University of South Carolina, in ways that are feasible and mutually agreeable, in the conduct of the academic program, including teaching, by himself and by the qualified members of the Institute staff when the teaching does not interfere with the primary research purposes of the Institute.

HISTORY: 1984 Act No. 512, Part II, § 22, became law on June 28, 1984, without the Governor's signature.

Clemson University

ARTICLE 1. Organization, Powers, Property, Income and the Like.
ARTICLE 3. Municipal Corporation of Clemson University.
ARTICLE 5. Revenue Bonds.

ARTICLE 1

ORGANIZATION, POWERS, PROPERTY, INCOME AND THE LIKE

SEC.
59–119–10. Acceptance of the Clemson devise and bequest.
59–119–20. Clemson Agricultural College established; location and studies.
59–119–30. Name changed to Clemson University.
59–119–40. Board of trustees; election; term.
59–119–50. General powers and duties of board.
59–119–60. Board declared a body politic and corporate; corporate powers; property; investment of funds.
59–119–70. Sale of real estate.
59–119–80. Expenditure of moneys and use of property generally.
59–119–90. Investment of certain moneys from Clemson bequest in State stock.
59–119–100. Investment of Clemson bequest generally and payment of interest to board.
59–119–110. One-half land scrip fund vested in board; application of income.
59–119–120. Division of public land fund under act of Congress.
59–119–130. Privilege tax on fertilizer subject to order of board.
59–119–140. Annual report by board.

§ 59–119–10. Acceptance of the Clemson devise and bequest.

The honorable Thomas G. Clemson having departed this life on April 6, 1888, leaving of force his last will and testament which was duly admitted to probate on April 20, 1888 in the office of the judge of probate for the county of Oconee, in this State, wherein he devised and bequeathed to his executor, Richard W. Simpson of Pendleton, South Carolina, a tract of land situate on Seneca River in the said Oconee County, containing eight hundred and fourteen acres, more or less, known as the Fort Hill plantation, as well as all his other property, both real and personal, except certain legacies in said will mentioned and provided for, all in trust to convey to the State when the State should accept the same for the purpose of establishing and maintaining an agricultural and mechanical college upon said Fort Hill plantation upon the terms and conditions of said will, the State has heretofore expressly declared that it accepted the devise and bequest of Thomas G. Clemson subject to the terms and conditions set forth in said last will and testament and the State Treasurer has received and may securely hold such property, both real and personal.

HISTORY: 1962 Code § 22-201; 1952 Code § 22-201; 1942 Code § 5830; 1932 Code § 5730; Civ. C. '22 § 2826; Civ. C. '12 § 1886; Civ. C. '02 § 1300; R. S. 1118; 1889 (20) 277.

CASE NOTES

Stated in Hopkins v Clemson Agricultural College, 221 US 636, 31 S Ct 654, 55 L Ed 890 (1911).

Cited in Gantt v Clemson Agricultural College of South Carolina, 213 F Supp 103 (1962).

§ 59–119–20. Clemson Agricultural College established; location and studies.

The deed and transfer of such property to the State having been duly executed and made by the executor, in accordance with the provisions of the will, an agricultural and mechanical college has been established in connection with the aforesaid devise and bequest, styled The Clemson Agricultural College of South Carolina and situated at Fort Hill, in Oconee County, on the plantation so devised. In the college shall be taught all branches of study pertaining to practical and scientific agricultural and other industries connected therewith and such other studies as are not inconsistent with the terms of such will.

HISTORY: 1962 Code § 22-202; 1952 Code § 22-202; 1942 Code § 5731; 1932 Code § 5731; Civ. C. '22 § 2827; Civ. C. '12 § 1887; Civ. C. '02 § 1301; R. S. 1119; 1889 (20) 278.

Cross references—

As to agricultural duties of Clemson University, see §§ 46–7–10 to 46–7–90.
As to additional duties of Clemson University, see Titles 46 and 47.

CASE NOTES

Cited in Gantt v Clemson Agricultural College of South Carolina, 213 F Supp 103 (1962).

§ 59–119–30. Name changed to Clemson University.

The Clemson Agricultural College of South Carolina shall henceforth be known, named and designated as Clemson University.

HISTORY: 1962 Code § 22-202.1; 1964 (53) 1885.

§ 59–119–40. Board of trustees; election; term.

The university shall be under the management and control of a board of thirteen trustees, composed of the seven members nominated by the will and their successors and six members to be elected by the General Assembly in joint assembly. Three of the original trustees having been elected for a term of two years and three for a term of four years from the commencement of their terms and until their successsors were elected, thereafter the General Assembly has and hereafter it shall every two years elect in joint assembly three trustees for such university who shall serve for a term of four years and until their successors shall be elected and shall qualify. In electing members of the board, the General Assembly shall elect members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina.

The terms of the present members of the board who are elected by the General Assembly expire on the thirtieth day of June of the year in which the terms are scheduled to expire. Beginning with its 1984 session, the General Assembly shall elect successors to the elective trustees not earlier than the first day of April for a term to begin the following July first. Elections to fill vacancies on the board which are caused by the death, resignation, or removal of an elective trustee may be held earlier than the first day of April of the year in which the unexpired term terminates, but the term of the person elected to fill the vacancy expires on the last day of June of the year in which the term of the former member would have expired.

HISTORY: 1983 Act No. 130 § 15, eff June 15, 1983; 1983 Act No. 132 § 6, eff June 10, 1983; 1984 Act No. 354, § 5, eff April 30, 1984.

Effect of Amendments—

This section was amended by 1983 Act No. 130, § 15, effective June 15, 1983, and by 1983 Act No. 132, § 6, effective June 10, 1983. As set out above, paragraph one of this section reflects the language of 1983 Act No. 130 as being the latest legislative expression on the subject. Section 15 of 1983 Act No. 130, added the requirement that the General Assembly elect members to Board of Trustees of Clemson University on basis of merit and without regard to race, color, creed or gender.

The **1984** amendment added the second paragraph.

§ 59–119–50. General powers and duties of board.

The board of trustees shall elect one of their number to be president and elect a secretary and fix his salary. It shall prescribe the course of study, declare the professorships, elect the professors and define their duties and fix their salaries and make all rules and regulations for the government of the university. It may employ such superintendent, head workman and laborers for the farm, shops and grounds as may be necessary and fix their compensation.

HISTORY: 1962 Code § 22-204; 1952 Code § 22-204; 1942 Code § 5732; 1932 Code § 5732; Civ. C. '22 § 2828; Civ. C. '12 § 1888; Civ. C. '02 § 1302; R. S. 1120; 1889 (20) 277; 1897 (22) 470; 1898 (22) 763; 1912 (27) 558.

Cross references—

As to development and operation of a public airport, see § 55-11-10.
As to pay for use of convicts by Clemson University, see § 24-3-170.

Research and Practice References—

14 CJS, Colleges and Universities § 18.

ATTORNEY GENERAL'S OPINIONS

The authority of a college president or the college's board of trustees in matters involving tenure and contracts of employment depends upon how much authority has been delegated or retained by the board of trustees. Any limitations imposed by the Freedom of Information Act, such as ratifying action taken in executive session, must necessarily take into consideration delegation of authority, which would be a factual determination made on a college-by-college basis. 1986 Op Att'y Gen, No. 86-8, p 36.

§ 59–119–60. Board declared a body politic and corporate; corporate powers; property; investment of funds.

The board of trustees is hereby declared to be a body politic and corporate, under the name and style of Clemson University. It shall have a corporate seal, which it may change at its discretion, and in its corporate name it may contract for, purchase and hold property, for the purposes of §§ 59–119–10 to 59–119–70 and may take any property or money given or conveyed by deed, devise or bequest to said university and hold the same for its use and benefit; *provided, however*, that the conditions of such gifts or conveyances shall in no case be inconsistent with the purposes of §§ 59-119-10 to 59-119-70 and that the board shall not by the acceptance thereof incur any obligation on the part of the State. It shall securely invest all funds and keep all property which may come into its possession and may sell any of the personal property not subject to the trust and reinvest the same in such way as it deems best for the interest of said university. It may sue and be sued and plead and be impleaded in its corporate name and may do all things necessary to carry out the provisions of §§ 59-119-10 to 59-119-70 and may make bylaws for this purpose if it deems it necessary.

HISTORY: 1962 Code § 22-205; 1952 Code § 22-205; 1942 Code § 5733; 1932 Code § 5733; Civ. C. '22 § 2829; Civ. C. '12 § 1889; Civ. C. '02 § 1303; R. S. 1121; 1889 (20) 279; 1939 (41) 77.

CASE NOTES

Quoted in Hopkins v Clemson Agricultural College, 221 US 636, 31 S Ct 654, 55 L Ed 890 (1911).

§ 59-119-70. Sale of real estate.

The board of trustees of Clemson University may sell and make title to, upon such terms and conditions as it deems advisable, any real estate held by it as such; *provided, however*,

(1) That such power and authority shall not extend to any part of the real property included in the bequest of Thomas G. Clemson; and

(2) That the authority and power herein bestowed upon said board of trustees shall not be exercised unless two thirds of the members of the board shall have agreed thereto.

Any conveyance made under this authority shall be made in accordance with the bylaws adopted by said board of trustees.

HISTORY: 1962 Code § 22-206; 1952 Code § 22-206; 1942 Code § 5733; 1932

§ 59-119-80. Expenditure of moneys and use of property generally.

It shall require a two-thirds vote of the board of trustees to authorize the expenditure of any monies appropriated to the university by the State or to authorize the sale, transfer or reinvestment of any property or monies arising from the sale of any property under the provisions of this chapter. All such actions shall be exercised in a manner consistent with the provisions of Chapter 35 of Title 11 of the 1976 Code.

HISTORY: 1981 Act No. 148, § 13, eff July 30, 1981.

Effect of Amendments—

The 1981 amendment added the second sentence and, in the first sentence, changed the word "moneys" to "monies" in two places.

§ 59–119–90. Investment of certain moneys from Clemson bequest in State stock.

The State Treasurer having by due authority of law invested certain funds which were turned over to him as a part of the Clemson bequest in Brown consols of this State and having been issued a certificate of State stock in a sum equal to the value of such Brown consols, bearing interest at the rate of six per cent per annum, payable semiannually, to the board of trustees of Clemson University, the same shall be held as a perpetual fund, the capital of which shall forever remain undiminished and the interest on which shall be used by such board of trustees for the uses of the university.

HISTORY: 1962 Code § 22-209; 1952 Code § 22-209; 1942 Code § 5737; 1932 Code § 5737; Civ. C. '22 § 2833; Civ. C. '12 § 1893; Civ. C. '02 § 1307; R. S. 1125; 1891 (20) 1054.

§ 59–119–100. Investment of Clemson bequest generally and payment of interest to board.

The State Treasurer shall securely invest and reinvest the funds in his hands derived from the Clemson bequest in such manner as shall be directed by the Governor, the Comptroller General and the State Treasurer or any two of them. He may collect the interest annually upon all investments made of funds of the Clemson bequest and pay the same over to the treasurer of the board of trustees of Clemson University. He shall, under the direction of the Governor, the Comptroller General and the State Treasurer or any two of them, enforce the collection of the principal and interest due on any investment made of such Clemson bequest.

HISTORY: 1962 Code § 22-210; 1952 Code § 22-210; 1942 Code § 5736; 1932 Code § 5736; Civ. C. '22 § 2832; Civ. C. '12 § 1892; Civ. C. '02 § 1306; R. S. 1124; 1890 (20) 662.

§ 59–119–110. One-half land scrip fund vested in board; application of income.

One half of the land scrip fund once vested in the board of trustees of the University of South Carolina having by due authority of law been vested in the six members of the board of trustees of Clemson University elected by the General Assembly and the State Treasurer having issued a certificate of State stock in the sum of ninety-five thousand nine hundred dollars, bearing interest at the rate of six per cent per annum, payable semiannually, to such six members of such board of trustees, to be held as a perpetual fund, the capital of which shall forever remain undiminished, the income of such fund shall be used by the board of trustees for the building and maintenance of Clemson University, in accordance with the purposes for which such land scrip was donated by the act of Congress in relation thereto.

HISTORY: 1962 Code § 22-211; 1952 Code § 22-211; 1942 Code § 5738; 1932 Code § 5738; Civ. C. '22 § 2834; Civ. C. '12 § 1894; Civ. C. '02 § 1308; R. S. 1126; 1868 (14) 169; 1879 (17) 86; 1889 (20) 299; Const. Art. 11 § 8.

§ 59–119–120. Division of public land fund under act of Congress.

All sums which shall be received by the State from the United States Government under the provisions of the act of Congress, approved August 30, 1890 entitled "An Act to Apply a Portion of the Public Lands to the more Complete Endowment and Support of Colleges for the Benefit of Agriculture and Mechanical Arts Established under the Provisions of an Act of Congress approved July second, eighteen hundred and sixty-two," shall be equally divided between South Carolina State College and Clemson University to be applied to the purposes specified in such act.

HISTORY: 1962 Code § 22-212; 1952 Code § 22-212; 1942 Code § 5744; 1932 Code § 5806; Civ. C. '22 § 2825; Civ. C. '12 § 1885; Civ. C. '02 § 1299; 1890 (20) 704; 1896 (22) 173; 1954 (48) 1722.

§ 59–119–130. Privilege tax on fertilizer subject to order of board.

All the privilege tax on fertilizers shall in the future be paid to the State Treasurer, subject to the order of the board of trustees of Clemson University. And so much of the money so received as shall be necessary to defray the expenses of the board in performing the duties devolved upon it shall be thus used and the balance shall go to the University for its erection and maintenance.

HISTORY: 1962 Code § 22-213; 1952 Code § 22-213; 1942 Code § 5758; 1932 Code § 5758; Civ. C. '22 § 2853; Civ. C. '12 § 1906; Civ. C. '02 § 1319; R. S. 1133; 1890 (20) 706; 1939 (41) 360.

Cross references—

As to inspection tax on fertilizers, see §§ 46–25–810, 46–25–820.

§ 59–119–140. Annual report by board.

The board of trustees shall make to the General Assembly an annual report of the university, of all farming operations and tests and experiments and of all receipts and expenditures, with a statement of the condition of the property and funds of such university and of all receipts and expenditures of money appropriated thereto by the State.

HISTORY: 1962 Code § 22-218; 1952 Code § 22-218; 1942 Code § 5735; 1932 Code § 5735; Civ. C. '22 § 2831; Civ. C. '12 § 1891; Civ. C. '02 § 1305; R. S. 1123; 1889 (20) 279.

§ 59–119–150. Clemson University authorized to purchase computer; agreement for furnishing data processing services to State Department of Social Services.

The Clemson University Board of Trustees is hereby given authority for the purchase of computer equipment to be acquired during the fiscal year beginning July 1, 1976, and to borrow money necessary for the purchase of the computer equipment and to pay for other costs incidental thereto.

The term of the loan as provided herein shall not exceed seven (7) years and the debt service shall be financed by payments for the use of said computer.

Provided, Further, The Clemson University Board of Trustees is hereby given authority to enter into a contract of a duration not exceeding seven (7) years, commencing in the fiscal year beginning July 1, 1976, with the State Department of Social Services, in order to provide automatic data processing services to the Department of Social Services, and receive payment therefor.

Provided, Further, The State Board of Social Services is hereby given authority to enter into a contract of a duration not exceeding seven (7) years, with Clemson University, commencing in the fiscal year beginning July 1, 1976, in order to receive automatic data processing services from Clemson University and make payment therefor.

HISTORY: 1976 Act No. 709 Part II § 15.

§ 59–119–160. South Carolina Energy Research and Development Center established at Clemson University; advisory board; purposes.

(1) There is hereby established a South Carolina Energy Research and Development Center to be located at, under the auspices of, and in conjunction with Clemson University.

(2) Clemson University shall establish an advisory board for the center whose composition shall include members of the South Carolina Senate, House of Representatives and the Joint Legislative Committee on Energy and shall also include representatives from the Governor's office, private industry and state colleges and universities.

(3) The Energy Research and Development Center may share with Clemson University existing personnel, facilities and equipment.

(4) The purpose of the Energy Research and Development Center shall be to:

(a) complement federal energy research and development efforts by addressing aspects of the energy problem solutions that would be unique and germane to South Carolina;

(b) complement other state energy efforts by providing contracted technical support to various state agencies;

(c) allow university personnel to undertake energy projects too large and too complex to be handled by standard academic units; and

(d) conduct industrially-oriented energy projects as a service to the state's industries and commerce.

HISTORY: 1981 Act No. 178 Part II § 8, eff July 29, 1981.

ATTORNEY GENERAL'S OPINIONS

The authority of a college president or the college's board of trustees in matters involving tenure and contracts of employment depends upon how much authority has been delegated or retained by the board of trustees. Any limitations imposed by the Freedom of Information Act, such as ratifying action taken in executive session, must necessarily take into consideration delegation of authority, which would be a factual determination made on a college-by-college basis. 1986 Op Att'y Gen, No. 86-8, p 36.

ARTICLE 3

MUNICIPAL CORPORATION OF CLEMSON UNIVERSITY

SEC.
59–119–310. Establishment of municipal corporation; boundaries.
59–119–320. Board of trustees shall be governing body; recorder.
59–119–330. Trustees authorized to license or prohibit sales.
59–119–340. Constables.
59–119–350. Trustees not given right to levy or collect taxes.
59–119–360. Annual report.

§ 59–119–310. Establishment of municipal corporation; boundaries.

A municipal corporation is hereby created, known as Clemson University, the limits of which shall consist of all lands belonging to Clemson University and cover all the territory included in a circle formed with the university building as a center, with a radius of five miles, thus making the diameter of the circle ten miles, within which boundaries the jurisdiction of the corporation shall extend.

HISTORY: 1962 Code § 22-231; 1952 Code § 22-231; 1942 Code § 5759; 1932 Code § 5759; Civ. C. '22 § 2854; Civ. C. '12 § 1907; Civ. C. '02 § 1320; 1894 (21) 915; 1901 (23) 830.

§ 59–119–320. Board of trustees shall be governing body; recorder.

The board of trustees of Clemson University and their successors in office shall have perpetual control and direct the affairs of such municipal corporation. The board, by a majority vote, shall recommend a suitable person as recorder, who shall be commissioned by the Governor, shall have the same jurisdiction within the territory described in § 59–119–310 as a magistrate and may carry out and enforce all ordinances of the board of trustees of Clemson University and punish violations thereof by fine or imprisonment within the jurisdiction hereinabove defined. Said board of trustees shall make such rules for the maintenance of order and provide such punishments, within the jurisdiction above defined, by fine or imprisonment, as will keep the territory within their jurisdiction free from nuisances and enforce the police regulations of the State.

HISTORY: 1962 Code § 22-232; 1952 Code § 22-232; 1942 Code § 5760; 1932 Code § 5760; Civ. C. '22 § 2855; Civ. C. '12 § 1908; Civ. C. '02 § 1321; 1894 (21) 915; 1901 (23) 830; 1923 (33) 152.

ATTORNEY GENERAL'S OPINIONS

Jurisdiction of recorder's court — The recorder's court of Clemson University has jurisdiction to try only those cases which involve the violation of ordinances adopted by the Clemson University board of trustees and cases involving the violation of the State laws where jurisdiction has been conferred upon it. 1968–69 Ops. Att'y Gen., No 2620, p 18.

§ 59–119–330. Trustees authorized to license or prohibit sales.

The board of trustees of Clemson University may make such bylaws as they deem proper to license or prohibit the sale of goods, wares and merchandise of any kind whatever on the grounds belonging to the university as are not repugnant to the laws of the State.

HISTORY: 1962 Code § 22-233; 1952 Code § 22-233; 1942 Code § 5761; 1932 Code § 5761; Civ. C. '22 § 2856; Civ. C. '12 § 1909; Civ. C. '02 § 1322; R. S. 1135; 1892 (21) 88.

§ 59–119–340. Constables.

The board may appoint one or more special constables who shall exercise all the power of a State constable or of a municipal policeman to enforce obedience to the ordinances of the board and to the laws of the State.

HISTORY: 1962 Code § 22-234; 1952 Code § 22-234; 1942 Code § 5762; 1932 Code § 5762; Civ. C. '22 § 2857; Civ. C. '12 § 1910; Civ. C. '02 § 1323; 1894 (21) 915.

§ 59–119–350. Trustees not given right to levy or collect taxes.

Nothing contained in this article shall give such board of trustees the right to levy or collect any tax.

HISTORY: 1962 Code § 22-235; 1952 Code § 22-235; 1942 Code § 5763; 1932 Code § 5763; Civ. C. '22 § 2858; Civ. C. '12 § 1911; Civ. C. '02 § 1324; 1894 (21) 915.

§ 59–119–360. Annual report.

A report of all its proceedings under this article shall be made, annually, by the board to the General Assembly.

HISTORY: 1962 Code § 22-236; 1952 Code § 22-236; 1942 Code § 5764; 1932 Code § 5764; Civ. C. '22 § 2859; Civ. C. '12 § 1912; Civ. C. '02 § 1325; G. S. 598; R. S. 1134; 1879 (17) 74.

ARTICLE 5

REVENUE BONDS

SEC.
59-119-510. Authorization, generally.
59-119-520. Authorization shall be by resolution; provisions thereof.
59-119-530. Additional terms of bonds.
59-119-540. Exemption of bonds from taxation.
59-119-550. Execution of bonds.
59-119-560. Sale of bonds.
59-119-570. Description of bonds shall be filed with State Treasurer.
59-119-580. Enforcement of provisions of resolution.
59-119-590. Revenues available for payment of bonds.

§ 59-119-510. Authorization, generally.

Clemson University, in this article referred to as the university, may issue revenue bonds of the university for the purpose of financing or refinancing in whole or in part the cost of construction, reconstruction, improvement and equipment of buildings for the purposes of the university, including, without limiting the generality of the foregoing apartment buildings, dwelling houses, dining halls, cafeterias and inns or for any one or more of such purposes.

HISTORY: 1962 Code § 22-271; 1952 Code § 22-271; 1950 (46) 2662.

Research and Practice References—
64 Am Jur 2d, Public Securities and Obligations § 46.
14 CJS, Colleges and Universities § 3.

§ 59-119-520. Authorization shall be by resolution; provisions thereof.

Revenue bonds issued under this article shall be authorized by a resolution or resolutions of the board of trustees of the university. Any such resolution of the university may, in the discretion of the board, contain provisions, which shall be a part of the contract between the university and the several holders of such bonds, as to any of the following:

(1) The custody, security, use, expenditure or application of the proceeds of the bonds;

(2) The construction and completion of the building or buildings for which the bonds are issued;

(3) The use, regulation, operation, maintenance, insurance or disposition of the building or buildings for which the bonds are issued or restrictions on the exercise of the powers of the board of trustees to dispose of or to limit or regulate the use of such building or buildings;

(4) The payment of the principal of or interest on the bonds and the sources and methods thereof, the rank or priority of any such bonds as to any lien or security or the acceleration of the maturity of any such bonds;

(5) The use and disposition of the revenues derived or to be derived from the operation of such building or buildings;

(6) The pledging, setting aside, depositing or trusteeing of the revenues from which the bonds are made payable to secure the payment of the principal of and interest on the bonds or the payment of expenses of operation and maintenance of such building or buildings;

(7) The setting aside out of such revenues of reserves or sinking funds and the source, custody, security, regulation and disposition thereof;

(8) The determination of the definition of such revenues or of the expenses of operation and maintenance of the building or buildings for which the bonds are issued;

(9) The rentals, fees or other charges from students, faculty members and others using or being served by, or having the right to use or be served by, the building or buildings for which the bonds are issued and any parts, extensions, replacements or improvements thereof thereafter constructed or acquired and the fixing, establishment, collection and enforcement thereof, the amount or amounts of revenues to be produced thereby and the disposition and application of the amounts charged or collected;

(10) Limitations on the issuance of additional bonds or any other obligations or the incurrence of indebtedness payable from the same revenues from which the bonds are payable;

(11) Parietal rules to insure the use of such building or buildings by students or members of the faculty of the university to the maximum extent to which such building or buildings is capable of serving such students or faculty members;

(12) The procedure, if any, by which the terms of any covenant or contract with, or duty to, the holders of such bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given or evidenced; and

(13) Any other matter or course of conduct which, by recital in the resolution or resolutions authorizing or providing for the bonds, is declared to further secure the payment of the principal of or interest on the bonds.

HISTORY: 1962 Code § 22-272; 1952 Code § 22-272; 1950 (46) 2662.

Research and Practice References—

64 Am Jur 2d, Public Securities and Obligations §§ 129, 130.

§ 59–119–530. Additional terms of bonds.

Such revenue bonds may be issued in one or more series, may bear such date or dates, may mature at such time or times, not exceeding forty years from their respective dates, may bear interest at such rate or rates, not exceeding four per cent per annum, payable semiannually, may be payable in such medium of payment and at such place or places, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration privileges, may be subject to such terms of redemption before maturity, with or without premium, and may contain such terms, covenants and conditions as the resolution authorizing the issuance of such bonds may provide. Such bonds shall be fully negotiable within the meaning of and for all the purposes of the Uniform Commercial Code.

HISTORY: 1962 Code § 22-273; 1952 Code § 22-273; 1950 (46) 2662.

Research and Practice References—

64 Am Jur 2d, Public Securities and Obligations §§ 182 et seq.

15 Am Jur Legal Forms 2d, Public Securities and Obligations, § 214:73 (revenue bond).

15 Am Jur Legal Forms 2d, Public Securities and Obligations, §§ 214:91–214:98 (call and redemption provisions).

§ 59–119–540. Exemption of bonds from taxation.

Such bonds shall be exempt from State, county, municipal and school taxes.

HISTORY: 1962 Code § 22-274; 1952 Code § 22-274; 1950 (46) 2662.

§ 59–119–550. Execution of bonds.

Such bonds shall be signed in the corporate name of the university by the chairman of the board of trustees of the university, under the corporate seal of the university attested by the secretary of the board of trustees. Interest coupons attached to the bonds shall be signed by the facsimile signatures of such officers. Such bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the coupons shall have ceased to hold office at the time of such issue or at the time of the delivery of such bonds to the purchaser.

HISTORY: 1962 Code § 22-275; 1952 Code § 22-275; 1950 (46) 2662.

Research and Practice References—

64 Am Jur 2d, Public Securities and Obligations §§ 189 et seq.

The Citadel

§ 59–121–10. Composition of board of visitors of The Citadel.

The board of visitors of The Citadel, the Military College of South Carolina, shall be composed of the Governor, the Adjutant General, the State Superintendent of Education, the Chairman of the General Committee of the Senate (or his designee from that committee) and the Chairman of the Medical, Military, Public and Municipal Affairs Committee of the House of Representatives (or his designee from that committee), who shall be members ex officio of the board, and eleven others who shall be graduates of the college, seven of whom are to be elected by joint vote of the General Assembly as hereinafter provided, three of whom are to be elected by such means and methods as may be determined by the Association of Citadel Men or any succeeding organization of Citadel men, the result of election to be certified by the president of the association to the Secretary of State, and one of whom shall be appointed by the Governor. The Governor shall make the appointment based on merit regardless of race or economic status and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina.

HISTORY: 1983 Act No. 130 § 8, eff June 15, 1983.

Effect of Amendments—

The **1983** amendment substantially rewrote this section.

Cross references—

As to appointment of persons to serve instead of elected member, see § 59–121–20.
For provisions relating to election of board members and age, see § 59–121–30.

§ 59–121–20. Terms of board members.

The regular terms of office of the elected members in office on April 18, 1947, who are still in office shall end on the last day of June in the years stated in the table in Act 108 of the regular session of 1947 (Acts 1947, p. 144). The regular terms of office of the elected members who were not in office on that date and of all members hereafter elected shall be six years; provided, that the third member authorized to be elected by the Association of Citadel Men shall serve an initial term of four years. All elected terms shall begin on the first day of July and end on the last day of June; povided, however, that each incumbent shall be entitled to hold office until his successor is duly elected. In electing members of the board, the General Assembly shall elect members based on merit regardless of race or economic status and shall strive to assure that the membership of the board is representative of all citizens of the State of Carolina.

The term of office of the at-large trustee appointed by the Governor shall be effective upon certification to the Secretary of State and shall be six years. If the Chairman of the General Committee of the Senate or the Chairman of the Medical, Military, Public and Municipal Affairs Committee of the House of Representatives chooses to designate a member to serve in his stead, as permitted by § 59–121–10, such appointment shall be effective upon certification to the Secretary of State and shall continue, at the pleasure of those making the appointment, so long as they continue to hold the specified office.

HISTORY: 1983 Act No. 130 § 9, eff June 15, 1983.

Effect of Amendments—

The 1983 amendment added the provisions that members of the Board shall be elected without regard to race or economic status, fixed the term for at large members, and provided for appointment of persons to serve instead of elected members.

§ 59–121–30. Election of board members; age limit.

The General Assembly shall hold an election to fill vacancies occurring due to expiration of terms no earlier than the first day of April of the year the term expires and as necessary to fill unexpired terms which are caused by the death, resignation, or removal of a trustee, except that vacancies of unexpired terms of members elected by the Association of Citdel Men shall be filled in the same manner as is provided for by § 59–121–10. No elective member shall be elected or re-elected either by the General Assembly or by the Association of Citadel Men to fill any term of office the duration of which shall extend beyond the member's seventy-fifth birthday.

HISTORY: 1983 Act No. 132 § 7, eff June 10, 1983.

Effect of Amendments—

The 1983 amendment substituted "occurring due to expiration of terms no earlier than the first day of April of the year the term expires" for "during the session immediately preceding the expiration of the terms", deleted "vacancies of" preceding "unexpired", and inserted "which are caused by the death, resignation or removal of a trustee," in the first sentence.

Cross references—

For provisions relating to composition of the board of visitors of The Citadel, see § 59–121–10.

§ 59–121–40. Board created body corporate and politic; general powers.

The board of visitors of The Citadel, the Military College of South Carolina, is hereby created a body corporate and politic of this State, by the name and style of "The Board of Visitors of The Citadel, the Military College of South Carolina," and by said name it and its successors in office shall have perpetual succession and be able and capable in law to have, receive and enjoy to it and its successors and convey lands, tenements and hereditaments of any kind or value in fee or for life or years and perpetual property of any kind whatever and all sums of money of any amount whatsoever which may be granted, devised or bequeathed to it for the purpose of building, erecting, endowing or supporting The Citadel, the Military College of South Carolina. But in receiving any such bequest no liabilities of any character shall be made binding or obligatory upon the State, except such as are accepted by the General Assembly. The board shall have a common seal for themselves and their successors with liberty to alter the same from time to time.

HISTORY: 1962 Code § 22-305; 1952 Code § 22-305; 1942 Code § 5775; 1932 Code § 5775; Civ. C. '22 § 2794; 1920 (31) 1114; 1958 (50) 1640.

Research and Practice References—

14 CJS, Colleges and Universities § 18.

ATTORNEY GENERAL'S OPINIONS

The Citadel may not award a contract for the renovation of Barracks Number Three (3) and Four (4) without going through competitive bids therefor. 1975–76 Op Atty Gen, No 4550, p 422.

§ 59–121–50. Powers of board in educational matters.

ATTORNEY GENERAL'S OPINIONS

The authority of a college president or the college's board of trustees in matters involving tenure and contracts of employment depends upon how much authority has been delegated or retained by the board of trustees. Any limitations imposed by the Freedom of Information Act, such as ratifying action taken in executive session, must necessarily take into consideration delegation of authority, which would be a factual determination made on a college-by-college basis. 1986 Op Att'y Gen, No. 86-8, p 36.

§ 59–121–50. Powers of board in educational matters.

Said board may establish such regulations as it may deem necessary for the organization and good government of said college and establish such bylaws for the management thereof as shall not be inconsistent with the laws of this State or of the United States. It may appoint professors qualified to give instruction in military science and other branches of knowledge which it may deem essential and may fix their salaries and the period for which they shall serve. And the board may confer degrees on graduates of the college and confer honorary degrees on such persons of distinction as it shall deem proper.

HISTORY: 1962 Code § 22-306; 1952 Code § 22-306; 1942 Code § 5776; 1932 Code § 5776; Civ. C. '22 § 2795; Civ. C. '12 § 1862; Civ. C. '02 § 1276; R. S. 1114; 1901 (23) 736; 1911 (27) 134; 1925 (34) 236; 1932 (31) 1364.

§ 59–121–60. Quorum at special meeting of board.

At any special meeting of the board of visitors of The Citadel, the Military College of South Carolina, when at least five days' notice in writing has been given by mail or otherwise to all of the members of the board of the time and place of the meeting any four or more of the members so notified who shall attend such special meeting shall constitute a quorum for the transaction of business.

HISTORY: 1962 Code § 22-307; 1952 Code § 22-307; 1942 Code § 5776-2; 1936 (39) 1340.

§ 59–121–70. Annual report of board.

The board of visitors shall make a minute and full report of the condition and management of the college to the State Superintendent of Education and to the Governor, to be by the latter laid before the General Assembly in each and every year.

HISTORY: 1962 Code § 22-308; 1952 Code § 22-308; 1942 Code § 5776-1; 1932 Code § 5784; Civ. C. '22 § 2803; Civ. C. '12 § 1869; Civ. C. '02 § 1283; R. S. 1117; 1842 (11) 225; 1891 (20) 1039.

§ 59–121–80. Burial of past presidents and their wives.

The board of visitors of The Citadel, The Military College of

South Carolina, is hereby authorized to set aside a suitable plot, the size and location thereof to be determined by the board and by the State Budget and Control Board, wherein may be interred the remains of past presidents of The Citadel who may be so minded to be buried therein with their wives, if so desired; *provided*, that the approval and selection of such past presidents and their wives to be buried therein shall be wholly in the discretion of the board of visitors of The Citadel, The Military College of South Carolina.

HISTORY: 1962 Code § 22-309; 1968 (55) 2447.

The Medical University of South Carolina

Sec.
59-123-10. Change of name; programs limited to health area; new programs and organizational changes.
59-123-20. Acceptance of transfer of property.
59-123-30. Charter confirmed.
59-123-40. Composition of board of trustees.
59-123-50. Election of board members; terms.
59-123-60. Organization and powers of board.
59-123-70. Annual report of board.
59-123-80. Board authorized to grant rights-of-way for widening and extending streets; president authorized to sign necessary documents.
59-123-90. Board vested with power of eminent domain.
59-123-100. Rules governing admissions not changed.
59-123-110. School of Dentistry established at Medical University.
59-123-120. Board shall use funds to construct and equip buildings for School of Dentistry.
59-123-130. Academic standards for School of Dentistry.
59-123-140. Operation of School of Dentistry; staff.

§ 59-123-10. Change of name; programs limited to health area; new programs and organizational changes.

The name of the Medical College of South Carolina is hereby changed to "The Medical University of South Carolina," it being the intent that this institution will limit its programs to those in the health area. It is further intended that any new programs undertaken by the institution will first be approved by the Commission on Higher Education and that no organizational changes in the operation and management of the institution shall be made as a result of the change in name.

HISTORY: 1962 Code § 22-350; 1969 (56) 444.

Cross references—

As to distribution of dead bodies for scientific purposes, see §§ 44-43-510 to 44-43-590.

ATTORNEY GENERAL'S OPINIONS

Patient medical records at the Medical University of South Carolina are required by law to be treated as confidential records, and they may be released only with consent of the patient or by mandatory Court Order. 1976-77 Op Atty Gen, No 77-407, p 335.

§ 59-123-20. Acceptance of transfer of property.

The State of South Carolina hereby expressly declares that it accepts the conveyance and transfer of the property, real and personal, of The Medical University of South Carolina and the State Treasurer may receive and securely hold such property, both real and personal, and execute the necessary papers and receipts therefor as soon as the trustees and faculty of The Medical University of South Carolina shall convey and transfer such property to the State.

HISTORY: 1962 Code § 22-351; 1952 Code § 22-351; 1942 Code § 5794; 1932 Code § 5794; Civ. C. '22 § 2813; 1913 (28) 188; 1952 (47) 1875; 1969 (56) 444.

Cross references—

As to establishment and operation of cancer clinic at The Medical University, see §§ 44-35-20 to 44-35-80.

CASE NOTES

Cited in Smith v Robertson, 210 SC 99, 41 SE2d 631 (1947).

§ 59–123–30. Charter confirmed.

The charter of The Medical University of South Carolina is hereby confirmed and extended with all the rights and privileges granted heretofore by the original act of incorporation or by any subsequent extension of its charter.

HISTORY: 1962 Code § 22-352; 1952 Code § 22-352; 1942 Code § 5795; 1932 Code § 5795; Civ. C. '22 § 2814; 1913 (28) 188; 1952 (47) 1875; 1969 (56) 444.

§ 59–123–40. Composition of board of trustees.

The management and control of the university shall be vested in a board of trustees, to be composed as follows: The Governor (or his designee), the Chairman of the Committee on Medical Affairs of the Senate (or his designee from that committee), the Chairman of the Committee on Medical, Military, Public and Municipal Affairs of the House of Representatives (or his designee from that committee), ex officio, twelve members to be elected by the General Assembly in joint assembly and one member to be appointed by the Governor. The Governor shall make the appointment based on merit regardless of race, color creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina.

HISTORY: 1983 Act No. 130 § 10, eff June 15, 1983.

Effect of Amendments—

The **1983** amendment added the provision that the Governor shall appoint one member to Board of trustees, and that the appointment shall be without regard to race, creed, color or gender.

Cross references—

As to appointment of person to serve instead of Board member, see § 59–123–50.

§ 59–123–50. Election of board members; terms.

The present members of the board of trustees shall continue to serve until July 1, 1966, at which time their terms shall terminate and the members of the board to succeed the present members, and to fill the additional membership provided in § 59–123–40, must be elected at a joint session of the General Assembly on the following dates: On the first Wednesday in February 1966, members representing the medical profession (medical doctor, dentist, registered nurse, or licensed pharmacist) and on the second Wednesday in February 1966, lay members or nonmedical members. One member of the medical profession from each congressional district and one layman or member of a nonmedical profession from each congressional district must be elected. The terms of all members elected commence on July 1, 1966. Of those first elected, the member who represents the medical profession from the first, second, and third congressional districts and lay members or members of the nonmedical profession from the fourth, fifth, and sixth congressional districts must be elected for terms of four years or until their successors are elected and qualify. The member of the board of trustees who represents the medical profession from the fourth, fifth, and sixth congressional districts and the members who are laymen or members of nonmedical professions from the first, second, and third congressional districts must be elected for terms of two years or until their successors are elected and qualify. Their successors must be elected for terms of four years or until their successors are elected and qualify. After its 1984 session, the General Assembly shall elect successors to those members it elects not earlier than the first day of April for a term to begin the following July first. Elections to fill vacancies on the board which are caused by the death, resignation, or removal of an elective trustee may be held earlier than the first day of April of the year in which the unexpired term terminates, but the term of the person elected to succeed the member expires on the last day of June of the year in which the term of the former member would have expired. In electing members of the board, the General Assembly shall elect members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina.

The term of the at-large trustee appointed by the Governor is effective upon certification to the Secretary of State and is four years. Any vacancy in the office of the member appointed by the Governor must be filled by appointment for the unexpired term in the same manner of original appointment. If the Governor, the Chairman of the Committee on Medical Affairs of the Senate, or the Chairman of the Committee on Medical, Military, Public and Municipal Affairs of the House of Representatives chooses to designate a member to serve in his stead, as permitted by § 59-123-40, the appointment is effective upon certification to the Secretary of State and shall continue, at the pleasure of those making the appointment, so long as they continue to hold the specified office.

HISTORY: 1983 Act No. 130 § 11, eff June 15, 1983; 1983 Act No. 132 § 8, eff June 10, 1983; 1984 Act No. 354, § 6, eff April 30, 1984.

Effect of Amendments—

This section was amended by 1983 Act No. 130, § 11, effective June 15, 1983, and by 1983 Act No. 132, § 8, effective June 10, 1983. Section 11 of 1983 Act No. 130, added the provisions that election of Board members shall be elected by the General Assembly without regard to race, creed, color or gender, and for appointment of persons to serve instead of Board members.

The 1984 amendment changed "shall" to "must" and "shall be" to "is" in several places, changed "as of" to "on" after "commence", deleted a provision dealing with the filling of vacancies in the manner of election for the unexpired portion of the term, and added provisions pertaining to the election and terms of successor board members.

§ 59–123–60. Organization and powers of board.

The board of trustees shall elect one of its number to be chairman and is authorized to elect a university president, one or more vice-presidents, and a secretary, prescribe their duties and terms of office, and fix their compensation. It shall elect teachers of professorial rank in the various colleges which make up The Medical University of South Carolina and other officers and employees as may be necessary for the proper conduct of the university and fix their compensation, the fees and charges of students, and the rules for the government of the university. The board of trustees also has the following powers:

(1) to make bylaws and regulations considered expedient for the management of its affairs and its own operations not inconsistent with the Constitution and laws of this State or of the United States;

(2) to confer the appropriate degrees in medicine, dental medicine, pharmacy, nursing, health related professions, and graduate studies in related health fields upon students and other persons as in the opinion of the board of trustees may be qualified to receive them.

HISTORY: 1980 Act No. 302, § 1, eff Jan. 1, 1980; 1987 Act No. 13 § 1, eff March 16, 1987.

Effect of Amendments—

The **1980** amendment changed the reference to "schools" in the second sentence to "colleges," changed the reference to "dentistry" in subsection (2) to "dental medicine" and it clarified the degrees the university may confer.

The **1987** amendment made grammatical changes, deleted "all rules" from subsection (1), and in subsection (2) changed "allied health sciences" to "health related professions" and added "graduate studies in" before "related health fields."

Cross references—

As to powers and duties of trustees in connection with issuance of revenue bonds for student and faculty housing, see §§ 59–123–210 et seq.

ATTORNEY GENERAL'S OPINIONS

A member of the Board of Trustees of the Medical University of South Carolina may not vote by proxy for the election of the Chairman of the Board. 1975–76 Op Atty Gen, No 4405, p 250.

A member of the Board of Trustees of the Medical University of South Carolina may not vote in the election of the Chairman of the Board by absentee ballot. 1975–76 Op Atty Gen, No 4418, p 270.

Medical University Hospital may require persons entering and leaving premises to submit to search of bags and parcels as there is a demonstrable public purpose; individuals must have the option to avoid search by checking bags and parcels upon entry. 1978 Op Att'y Gen, No 78-3, p 7.

The authority of a college president or the college's board of trustees in matters involving tenure and contracts of employment depends upon how much authority has been delegated or retained by the board of trustees. Any limitations imposed by the Freedom of Information Act, such as ratifying action taken in executive session, must necessarily take into consideration delegation of authority, which would be a factual determination made on a college-by-college basis. 1986 Op Att'y Gen, No. 86-8, p 36.

§ 59–123–70. Annual report of board.

The board of trustees shall meet annually at the call of the chairman of the board and at such meeting shall prepare and present to the General Assembly a report on the condition of the university and of their receipts and expenditures for the preceding year and shall also prepare for presentation to the General Assembly an estimate of the sum required for the maintenance of the university for the next succeeding year.

HISTORY: 1962 Code § 22-357; 1952 Code § 22-357; 1942 Code § 5799; 1932 Code § 5799; Civ. C. '22 § 2818; 1913 (28) 188; 1953 (48) 402; 1969 (56) 444.

§ 59–123–80. Board authorized to grant rights-of-way for widening and extending streets; president authorized to sign necessary documents.

The board of trustees of The Medical University of South Carolina may grant rights-of-way, easements, or otherwise convey to the city council of Charleston such property as they deem necessary and required for the purpose of widening and extending streets through The Medical University land when it shall be to the advantage of The Medical University. The president of The Medical University may sign all documents necessary to complete the transactions herein provided for, after they have been approved in writing by the board of trustees in each such instance.

HISTORY: 1962 Code § 22-358; 1954 (48) 1714; 1969 (56) 444.

Cross references—

As to municipal streets generally, see § 5–27–10.

§ 59–123–90. Board vested with power of eminent domain.

[Until nine months after June 30, 1987 (the date 1987 Act No. 173 was approved by the Governor) this section shall read as set forth in the parent volume. From and after such date this section shall read as follows:]

The board of trustees of The Medical University of South Carolina is vested with the power of eminent domain. The authority granted in this section applies only to private lands. The lands condemned must be used by The Medical University in the performance of its functions in the acquisition, construction, and operation of facilities for the University. Any new construction undertaken by The Medical University within the corporate limits of the City of Charleston must be done in compliance with the parking regulations and ordinances of that city to the degree that the number of parking spaces required by the regulations and ordinances must be provided on Medical University property.

HISTORY: 1987 Act No. 173 § 54, eff nine months from approval by Governor (approved by Governor on June 30, 1987).

Effect of Amendment—

The **1987** amendment deleted a reference to Chapter 5 of Title 28, the Public Works Eminent Domain Act, and made grammatical changes.

Cross references—

As to the procedures for the condemnation of property, see the Eminent Domain Procedure Act, §§ 28-2-10 et seq.

ATTORNEY GENERAL'S OPINIONS

Bill No. S-75 [Code 1976 § 59–123–90] providing for the power of eminent domain be given to the Board of Trustees of the Medical University of South Carolina is constitutionally valid. 1974–75 Op Att'y Gen, No 3972, p 44.

§ 59–123–95. Board may borrow to purchase diagnostic and therapeutical equipment.

In order to raise moneys which are required to pay the cost of diagnostic and therapeutical equipment for use in the hospital operated by The Medical University of South Carolina (The Medical University), the Board of Trustees of the University with the approval of the State Budget and Control Board of South Carolina (the state board) may borrow such amounts as shall be required for such purposes. Not more than two million dollars of debt created pursuant to this section shall be outstanding at any time.

The borrowing authorized by this section shall be in the form of notes of The Medical University payable solely from charges for the service or use rendered by the equipment. Upon its acquisition, an appropriate schedule of charges shall be placed in effect and maintained. All moneys received from the charges shall be remitted to the State Treasurer and deposited in a special fund to be applied to the payment of the principal and interest on the notes. With the approval of the state board any surplus in such fund may be used as a revolving fund to purchase additional diagnostic and therapeutic equipment.

No note may be issued hereunder unless the use of its proceeds, its terms, its maturities and the service charge to be imposed for the use of the purchased equipment is approved by the state board.

The charges imposed by authority of this section shall be in addition to the "special charge" established and maintained pursuant to § 14 of act 1654 of 1972 imposed to secure in part all Plant Improvement Bonds of The Medical University now or hereafter issued.

HISTORY: 1977 Act No. 219 Pt II § 17; 1978 Act No. 644 Part II § 42, apparently effective July 24, 1978.

Effect of Amendments—
The 1978 amendment substantially rewrote this section.

Research and Practice References—
14 CJS, Colleges and Universities § 18.

§ 59–123–100. Rules governing admissions not changed.

Nothing contained in §§ 59–111–510 to 59–111–580 shall be construed to alter in any manner the law, rules or regulations governing admissions of students to The Medical University of South Carolina and all admissions of beneficiaries of scholarships under said sections shall be likewise subject to approval by the admitting authorities in the same manner as otherwise provided by law.

HISTORY: 1962 Code § 22-364; 1952 Code § 22-364; 1948 (45) 1966; 1952 (47) 1875; 1969 (56) 444.

Cross references—
As to trustees of Medical University of South Carolina, generally, see §§ 59–123–40 et seq.

§ 59–123–110. School of Dentistry established at Medical University.

In addition to the present facilities, activities and colleges of The Medical University of South Carolina, there is hereby created and established a four-year college of dental medicine, to be located in Charleston, South Carolina, as a part of The Medical University, and to be known as the College of Dental Medicine of The Medical University of South Carolina; and the board of trustees of the University may commence operations of the college as soon as practicable.

HISTORY: 1980 Act No. 302, § 2, eff Jan. 21, 1980.

Effect of Amendments—
The 1980 amendment changed the reference to "four-year school of dentistry" to "four-year college of dental medicine."

§§ 59–123–120 through 59–123–140. Repealed by 1980 Act No. 302, eff Jan. 21, 1980.

[§§ 59–123–150 through 59–123–200 have been reserved for future use.]

§ 59–123–210. Additional student and faculty housing authorized from bond proceeds; refunding authorized.

The trustees are authorized to acquire additional student and faculty housing facilities and to improve and renovate existing student and faculty housing facilities to the extent they shall approve; and the proceeds of bonds authorized by §§ 59–123–210 through 59–123–320 are made available for that purpose. The trustees are also authorized to refund bonds that may from time to time be outstanding pursuant to §§ 59–123–210 through 59–123–320 by exchange or otherwise.

HISTORY: 1982 Act No. 392, § 2, eff June 3, 1982.

Editor's Note—

Section 1 of 1982 Act No. 392, effective June 3, 1982, provides as follows:

"Section 1. The General Assembly finds that heretofore, and in pursuance of the authorization of Act 1059 of 1950, the board of trustees, hereafter called 'the trustees,' of The Medical University of South Carolina, hereafter called 'Medical University,' effected the issuance of one million dollars of dormitory revenue bonds dated October 1, 1952, for student housing facilities, which are secured by a pledge of the net revenues derived from such student and faculty housing facilities.

"The enrollment at the Medical University has expanded steadily and continues to rise, making it apparent that there is a definite need for further facilities to house the expanding enrollment. Due consideration and investigation has been given to this need and to the method of raising monies to enable the trustees to construct such additional facilities.

"It has, therefore, been determined to authorize, under the conditions herein set forth, additional bonds of the Medical University, payable from the revenues herein set forth, for the purposes and to the extent herein provided."

Cross references—

As to trustees of Medical University of South Carolina, generally, see §§ 59-123-40 et seq.

§ 59-123-220. Trustees authorized to issue revenue bonds; limitation; refunding; use of proceeds and facilities.

Upon receiving the approval of the State Budget and Control Board and upon review of the Bond Review Committee created by § 2-47-20, the trustees shall be permitted to issue, from time to time, revenue bonds or notes, provided that not more than ten million dollars of such obligations may be outstanding at any one time. The trustees are also hereby authorized to refund all or any part of any outstanding revenue bonds of the Medical University payable in whole or in part from the revenues also pledged to the payment of bonds issued pursuant to §§ 59-23-210 through 59-23-320 and which are outstanding on the occasion of any such refunding. So much of the proceeds of the loans herein authorized as shall not be required to retire outstanding bonds shall be used in the construction, reconstruction, and equipping of dormitories and buildings designed for student and faculty housing, and auxiliary and related facilities, to be located on lands owned by the Medical University. Such buildings, when constructed, shall be used for the purpose of providing housing, and auxiliary and related facilities, for students and faculty of the Medical University.

HISTORY: 1982 Act No. 392, § 3, eff June 3, 1982.

§ 59-123-230. Bonds payable from net housing revenues.

All bonds issued pursuant to §§ 59-23-210 through 59-23-320 shall be payable from the net revenues derived by the Medical University from the rental of all dormitories, student dwelling quarters and facilities, houses, residences, apartment buildings, from time to time used or designed for use as student and faculty housing, and all furniture, furnishings and equipment therein, which are now owned by the Medical University, or which may hereafter be acquired by the Medical University for any of such purposes; *provided,* that the trustees may abandon the use of any portion of the facilities or sell or dispose of any portion of the facilities upon the receipt of a written recommendation by the chief financial officer of the Medical University and approval of the Budget and Control Board and the Joint Bond Review Committee to the effect that such action will not adversely affect the ability of the Medical University to discharge its obligations to the holders of bonds issued pursuant to §§ 59-23-210 through 59-23-320 and upon such further conditions as shall be prescribed in the resolution of the trustees providing for the issuance of bonds. For purposes of §§ 59-23-210 through 59-23-320 the term "net revenues" shall mean that sum which remains from the gross revenues derived from the rental of housing facilities after deducting the amounts required in any given year for the operation and maintenance of such facilities.

HISTORY: 1982 Act No. 392, § 4, eff June 3, 1982.

Cross references—
As to power of trustees to pledge revenues, see § 59–123–310.

§ 59–123–240. Credit of state not to be pledged; trustees not liable on bonds.

The faith and credit of the State of South Carolina shall not be pledged for the payment of the principal and interest of such bonds, and there shall be on the face of each bond a statement plainly worded, to that effect. Neither the trustees nor any other person signing the bonds shall be personally liable therefor.

HISTORY: 1982 Act No. 392, § 5, eff June 3, 1982.

§ 59–123–250. Resolutions for issuance of bonds; maturity; interest; denominations; redemption.

In order to avail themselves of the authorizations set forth in §§ 59–23–210 through 59–23–320, the trustees shall adopt resolutions providing for the issuance of bonds of the Medical University, within the limitations herein mentioned, which resolutions shall prescribe the tenor, terms, and conditions of such bonds. Such bonds shall be issued as serial bonds, maturing in equal or unequal amounts, at such times and on such occasions as the trustees shall determine. *Provided,* always, that the last maturing bonds of any issue shall be expressed to mature not later than forty years from their date, and the first maturing bonds of any issue, issued pursuant to this act, shall fall due within five years from their date. They shall bear such rates of interest, payable on such occasion, as the trustees shall prescribe, and the bonds shall be in such denominations, shall be payable in such medium of payment, and at such place as such resolutions shall prescribe. All bonds may be issued with a provision permitting their redemption on any interest payment date prior to their respective maturities as the trustees shall prescribe. Bonds made subject to redemption prior to their stated maturities may contain a provision requiring the payment of a premium for the privilege of exercising the right of redemption, in such amount or amounts as the trustees shall prescribe in the resolutions authorizing their issuance. All bonds subject to redemption shall contain a statement to that effect on the face of each bond. The resolutions authorizing their issuance shall contain provisions specifying the manner of call and the notice of call that must be given.

HISTORY: 1982 Act No. 392, § 6, eff June 3, 1982.

§ 59–123–260. Form of bonds.

Such bonds may be in the form of negotiable coupon bonds, payable to bearer, with the privilege to the holder of having them registered on the books of a registrar to be named, and the principal thus made payable to the registered holder, unless the last registered transfer shall have been to bearer, upon such conditions as the trustees may prescribe, or such bonds may be issued as fully registered bonds. If issued as fully registered bonds, it may be provided that they may thereafter be converted into negotiable coupon bonds of the tenor described above.

HISTORY: 1982 Act No. 392, § 7, eff June 3, 1982.

§ 59–123–270. Bonds and interest tax exempt.

The bonds authorized by §§ 59–23–210 through 59–23–320 and all interest to become due thereon shall be exempt from taxation in the State of South Carolina as provided in § 12–1–60 of the 1976 Code.

HISTORY: 1982 Act No. 392, § 8, eff June 3, 1982.

§ 59–123–280. Bonds as legal investments for certain purchasers.

It shall be lawful for all executors, administrators, guardians, and fiduciaries, all sinking fund commissions, and the State Budget and Control Board as Trustee of the South Carolina Retirement System, to invest any monies in their hands in such bonds.

HISTORY: 1982 Act No. 392, § 9, eff June 3, 1982.

§ 59–123–290. Execution of bonds.

Such bonds and the coupons, if any, attached to such bonds, shall be executed in the name of the Medical University in such manner and by such persons as the trustees shall from time to time determine, and the seal of the Medical University shall be affixed to or impressed on each bond. Any coupons attached to such bonds shall be authenticated by the facsimile signature of one or more of the persons signing the bonds. The delivery of the bonds so executed shall be valid notwithstanding changes in officers or seal occurring after such execution.

HISTORY: 1982 Act No. 392, § 10, eff June 3, 1982.

§ 59–123–300. Sale of bonds.

The bonds shall be disposed of in such manner as the trustees shall determine, except that no sale, privately negotiated without public advertisement, shall be made unless the approval of the State Budget and Control Board shall be obtained. If the trustees shall elect to sell the bonds at public sale, at least one advertisement thereof shall appear in some newspaper of general circulation in South Carolina not less than ten days prior to the occasion fixed for the opening of bids.

HISTORY: 1982 Act No. 392, § 11, eff June 3, 1982.

§ 59–123–310. Powers and duties of trustees with respect to bonds.

To the end that the payment of the principal and interest of the bonds authorized hereby shall be adequately secured, the trustees shall be empowered in their discretion:

1. To issue bonds in such amount, within the limitations herein provided, as the trustees shall deem necessary, *provided,* that it shall be lawful for the trustees to use a portion of the principal proceeds derived from any sale of bonds, except bonds issued to effect refunding of outstanding bonds, to meet the payment of interest on such bonds for a period of one year, it being recognized by the General Assembly that until the facilities to be constructed with the proceeds of the loan shall be completed, an undue burden may be imposed upon then existing revenues.

2. To pledge the entire revenues specified in § 59–23–230 for the payment of the principal of and interest on the bonds as they respectively mature.

3. To covenant that no housing facilities owned by the Medical University will be used free of charge, or to specify and limit the facilities which may be made use of free of charge.

4. To covenant to establish and maintain such system of rules as will insure the continuous use and occupancy of the facilities, whose revenues are pledged to secure any bonds.

5. To covenant that an adequate schedule of charges will be established and maintained for all the facilities, whose revenues shall be pledged to secure any bonds, to the extent necessary to produce sufficient revenues to:

(a) Pay the cost of operating and maintaining the facilities including the cost of fire, extended coverage and occupancy insurance;

(b) Pay the principal and interest of the bonds as they respectively become due;

(c) Create and at all times maintain an adequate Debt Service Reserve Fund to meet the payment of such principal and interest; and

(d) Create and at all times maintain an adequate reserve for contingencies, and for major repairs and replacement.

6. To covenant against the mortgaging or disposing of the facilities, whose revenues shall be pledged for the payment of such bonds, and against permitting or suffering any lien to be created thereon, equal or superior to the lien created for the benefit of such bonds; *provided,* always, that the trustees shall be empowered to discontinue the use of, or demolish, obsolete facilities and to reserve the right, under such terms as they shall prescribe, to issue additional bonds on a parity with the bonds authorized by §§ 59-23-210 through 59-23-320.

7. To covenant as to the use of the proceeds derived from the sale of any bonds issued pursuant to §§ 59-23-210 through 59-23-320.

8. To provide for the terms, form, registration, exchange, execution, and authentication of bonds, and for the replacement of lost, destroyed, or mutilated bonds.

9. To make covenants with respect to the use of facilities to be constructed with the proceeds of the bonds authorized hereby, and of the other facilities, whose revenues shall be pledged for the payment of the bonds.

10. To covenant that all revenues pledged for the payment of the bonds shall be duly segregated into special funds, and that such funds will be used solely for the purposes for which they are intended and for no other purpose.

11. To covenant for the mandatory redemption of bonds on such terms and conditions as the resolutions authorizing such bonds shall prescribe.

12. To prescribe the procedure, if any, by which the terms of the contract with the bondholders may be amended, the number of bonds whose holders must consent thereto, and the manner in which such consent shall be given.

13. To covenant as to the maintenance of the facilities, whose revenues shall be pledged for the payment of the bonds, the insurance to be carried thereon, and the use and disposition of proceeds from any insurance policy.

14. To prescribe the events of default and the terms and conditions upon which all or any bonds shall become or may be declared due before maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

15. To impose a statutory lien upon the facilities, whose revenues shall be pledged to secure the bonds. Such lien shall extend to such facilities, to their appurtenances and extensions, to their additions, improvements, and enlargements to the extent specified in the resolutions and shall insure to the benefit of the holders of the bonds secured thereby. Such facilities shall remain subject to such statutory lien until the payment in full of the principal and interest of the bonds. Any holder of any of the bonds, or any of the coupons representing interest thereon, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce the statutory lien, and may, by suit, action, mandamus, or other proceedings enforce and compel performance of all duties of the trustees, including the fixing of sufficient rates, the proper segregation of the revenues, and the proper application thereof. *Provided,* however, that the statutory lien shall not be construed to give any such bond or coupon holder authority to compel the sale of any of the facilities, or any part thereof.

16. To covenant that if there be any default in the payment of the principal of or interest upon any of the bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the facilities, whose revenues shall be pledged for the payment of such bonds, with power to fix rates and charges for the facilities, sufficient to provide for the payment of the expense of operating and maintaining such facilities, and to apply the income and revenues of such facilities to the payment of such bonds, and the interest thereon.

17. To establish on or before the occasion of the delivery of any bonds issued pursuant to §§ 59-23-210 through 59-23-320 a debt service reserve fund and to cause the same to be deposited with a corporate trustee and, to that end, the trustees shall be empowered to utilize any monies available for such purpose, including revenues previously accumulated from the facilities prior to the issuance of bonds.

HISTORY: 1982 Act No. 392, § 12, eff June 3, 1982.

§ 59–123–320. No time limit on issuance of bonds.

The authorizations granted by §§ 59-23-210 through 59-23-320 shall remain in full force and effect until they shall be rescinded by subsequent enactment, and no time limit is set for the issuance of bonds pursuant to §§ 59-23-210 through 59-23-320.

HISTORY: 1982 Act No. 392, § 13, eff June 3, 1982.

Winthrop College

SEC.
59-125-10. Establishment of Winthrop College.
59-125-20. Composition of board of trustees.
59-125-30. Election of board members; terms; vacancies.
59-125-40. Compensation of board members.
59-125-50. Secretary of State shall notify board members of election; effect of failure to accept.
59-125-60. Meetings of board; quorum; effect of failure to attend.
59-125-70. Board created body corporate; powers.
59-125-80. Powers of board in educational matters.
59-125-90. President, professors and other officers.
59-125-100. Division into departments.
59-125-110. Use of Clara Barrett Strait art objects and scholarship fund.
59-125-120. Degrees and diplomas.

§ 59-125-10. Establishment of Winthrop College.

There shall be established an institution of higher education which shall be known as Winthrop College and shall be located, equipped and conducted as herein provided.

HISTORY: 1962 Code § 22-401; 1952 Code § 22-401; 1942 Code § 5785; 1932 Code § 5785; Civ. C. '22 § 2804; Civ. C. '12 § 1870; Civ. C. '02 § 1284; 1891 (20) 1102; 1920 (31) 968; 1972 (57) 2493; 1974 (58) 2074.

CASE NOTES

Constitutionality of former provisions limiting enrollment to women. See Williams v McNair, 316 F Supp 134 (D SC 1970), aff'd 401 US 951, 91 S Ct 976, 28 L Ed 2d 235 (1971).

§ 59-125-20. Composition of board of trustees.

A. The board of trustees of Winthrop College shall be composed of the Governor, the State Superintendent of Education, the Chairman of the Committee on Education of the Senate (or his designee from that committee), and the Chairman of the Committee on Education and Public Works of the House of Representatives (or his designee from that committee) who shall be members ex officio of the board, seven other members each to be elected by the joint vote of the General Assembly, as hereinafter provided, and two graduates of Winthrop College to be appointed by the Winthrop College Alumni Association or its successors, as hereinafter provided.

B. In addition to the members of the board in subsection A, there shall be one additional member of the board appointed by the Governor. The Governor shall make the appointment based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina.

HISTORY: 1983 Act No. 130 § 12, eff June 15, 1983.

Effect of Amendments—

The 1983 amendment numbered original text as subsection A and made minor changes thereto, added subsection B relating to appointment by the Governor of one member to the Board of Trustees of Winthrop College.

Cross references—

As to appointment of persons to serve instead of Board members, see § 59-125-30.

§ 59–125–30. Election of board members; terms; vacancies.

The regular term of office of the elective members of the board of trustees is six years with the members first elected being elected two for two years, two for four years, and three for six years. In electing members of the board, the General Assembly shall elect members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina. The General Assembly shall hold elections every even-numbered year to fill vacancies as they occur in the board by the expiration of terms of office. The present elective members of the board of trustees shall continue to serve until the thirtieth day of June of the year in which their terms are scheduled to expire. After its 1984 session, the General Assembly shall elect successors to those trustees whose terms are expiring not earlier than the first day of April for a term to begin the following July first. Elections to fill vacancies which are caused by the death, resignation, or removal of an elective trustee may be held earlier than the first day of April of the year in which the unexpired term terminates, but the term of the person elected to fill the vacancy expires on the last day of June of the year in which the term of the former member would have expired. When there is a vacancy otherwise occurring in the board of trustees among the elected members, the Governor may fill it by appointment until the next session of the General Assembly. The successors to the two present members who are graduates of Winthrop College appointed by the Winthrop College Alumnae Association or its successors must be elected by the members of the Winthrop College Alumnae Association at its annual meeting held at Winthrop College during commencement week in 1958 and they shall serve for a term of four years and their successors must be elected at the similar annual meeting every four years thereafter. The names of the two so elected must be certified to the Secretary of State by the president and secretary of the association and they shall take office immediately after the certification. The term of the at-large trustee appointed by the Governor is effective upon certification to the Secretary of State and is six years. Any vacancy in the office of the member appointed by the Governor must be filled by appointment of the Governor for the unexpired term in the same manner of original appointment. If the Chairman of the Committee on Education of the Senate or the Chairman of the Committee on Education and Public Works of the House of Representatives chooses to designate a member to serve in his stead, as permitted by § 59–125–20, the appointment is effective upon certification to the Secretary of State and shall continue, at the pleasure of those making the appointment, so long as they continue to hold the specified office.

HISTORY: 1983 Act No. 130, § 13, eff June 15, 1983; 1983 Act No. 132, § 9, eff June 10, 1983; 1984 Act No. 354, § 7, eff April 30, 1984.

Effect of Amendments—

This section was amended by 1983 Act No. 130, § 13, effective June 15, 1983, and by 1983 Act No. 132, § 9, effective June 10, 1983. Section 13 of 1983 Act No. 130 substantially revised this section.

The **1984** amendment changed "shall be" to "is" and "shall" to "must" in several places, changed "such" to "the" before "certification", and added provisions dealing with the date of expiration of the terms of present elective board members and the election of successor board members.

§ 59–125–40. Compensation of board members.

Each member of the board shall receive as compensation for services and attendance on the meetings of the board his actual expenses which shall be paid out of the funds of the institution.

HISTORY: 1962 Code § 22-404; 1952 Code § 22-404; 1942 Code § 5786; 1932 Code § 5786; Civ. C. '22 § 2805; Civ. C. '12 § 1871; Civ. C. '02 § 1285; 1891 (20) 1102; 1920 (31) 968; 1942 (42) 1666.

ATTORNEY GENERAL'S OPINIONS

While the provision in the 1986-87 Appropriations Act is controlling as to reimbursement of expenses of members of the Winthrop College Board of Trustees, any policy of reimbursement for expenses must be strictly construed. 1986 Op Att'y Gen, No. 86-98, p 300.

§ 59-125-50. Secretary of State shall notify board members of election; effect of failure to accept.

The Secretary of State shall furnish a certificate to each trustee within ten days after his election notifying him that he has been so elected and if any trustee fail for the space of thirty days to inform the Governor of his acceptance then his election shall be void and his place shall be filled as heretofore provided in cases of vacancy.

HISTORY: 1962 Code § 22-405; 1952 Code § 22-405; 1942 Code § 5787; 1932 Code § 5787; Civ. C. '22 § 2806; Civ. C. '12 § 1872; Civ. C. '02 § 1286; 1891 (20) 1102.

§ 59-125-60. Meetings of board; quorum; effect of failure to attend.

There shall be at least two regular meetings of the board each year. A majority of the board of trustees shall constitute a quorum. Whenever any member of the board has failed to attend two successive meetings of the board without rendering an excuse which is satisfactory to and accepted by the board his place shall be declared vacant by the board and shall be filled as heretofore provided.

HISTORY: 1962 Code § 22-406; 1952 Code § 22-406; 1942 Code §§ 5786, 5788; 1932 Code §§ 5786, 5788; Civ. C. '22 §§ 2805, 2807; Civ. C. '12 §§ 1871, 1873; Civ. C. '02 §§ 1285, 1287; 1891 (20) 1102; 1920 (31) 968; 1942 (42) 1666.

§ 59-125-70. Board created body corporate; powers.

The board of trustees of Winthrop College is hereby created a body corporate by the name and style of The Trustees of Winthrop College and shall by said name have perpetual succession of officers and members, the right to use and keep a common seal and to alter the same at will. It may sue and be sued and contract and be contracted with and may own, purchase, sell and convey property, both real, personal and mixed, and may receive and hold donations, devices, bequests and legacies for the use and benefit of said institution; *provided, however,* that all property purchased under the authority of this chapter shall be free from liens and encumbrances and title to the same as well as to donations that said board may receive shall be taken in the name of the trustees in their corporate capacity and shall become the property of this State.

HISTORY: 1962 Code § 22-407; 1952 Code § 22-407; 1942 Code § 5789; 1932 Code § 5789; Civ. C. '22 § 2808; Civ. C. '12 § 1874; Civ. C. '02 § 1288; 1891 (20) 1102; 1920 (31) 968; 1974 (58) 2074.

Research and Practice References—
14 CJS, Colleges and Universities § 18.

CASE NOTES

Power to purchase and sell real property.—The powers conferred on the trustees of Winthrop Normal and Industrial College (now styled the South Carolina College for Women) by this section [Code 1962 § 22-407], whereby they could both purchase and sell real property for the benefit of the college, were not abridged in any way by a subsequent act providing for the erection of the original college building and making appropriations therefor, and providing that no new contracts or liabilities should be incurred in excess of the amounts appropriated, and that the trustees should not incur any obligations without the consent of the General Assembly, since the provisions referred to the erection of the original buildings only, as provided for in the act, and not to subsequent transactions. Long v Dunlap, 87 SC 8, 68 SE 801 (1910).

§ 59–125–80. Powers of board in educational matters.

The board of trustees may, from time to time, make, constitute and establish such bylaws, rules and orders, not inconsistent with the laws of the land, as to it shall seem necessary and convenient for the better regulation, government, well ordering and directing of itself as well as for the college and all officers, teachers or other persons by it employed in and about the same and all pupils in the institution. It shall possess all the power necessary for the accomplishment of the trust committed to it, viz.: the establishment, conduct and maintenance of a first-class institution of higher education. The board of trustees shall have general responsibility for the scope of educational programs, policy on eligibility for enrollment, and other policy matters. The trustees may add, from time to time, such special features to the institution and may open such new departments of training and instruction therein as the progress of the times may require.

HISTORY: 1962 Code § 22-408; 1952 Code § 22-408; 1942 Code § 5789; 1932 Code § 5789; Civ. C. '22 § 2808; Civ. C. '12 § 1874; Civ. C. '02 § 1288; 1891 (20) 1102; 1920 (31) 968; 1972 (57) 2493; 1974 (58) 2074.

CASE NOTES

Quoted in Long v Dunlap, 87 SC 8, 68 SE 801 (1910).

§ 59–125–90. President, professors and other officers.

The board of trustees shall appoint a president and professors of said institution and such other officers as they may think proper to put the same in successful operation. They shall fix all salaries and wages of teachers and employees. The president selected by them shall attend every meeting of the board for consultation and give information concerning the institution.

HISTORY: 1962 Code § 22-409; 1952 Code § 22-409; 1942 Code § 5790; 1932 Code § 5790; Civ. C. '22 § 2809; Civ. C. '12 § 1875; Civ. C. '02 § 1289; 1891 (20) 1102.

ATTORNEY GENERAL'S OPINIONS

The authority of a college president or the college's board of trustees in matters involving tenure and contracts of employment depends upon how much authority has been delegated or retained by the board of trustees. Any limitations imposed by the Freedom of Information Act, such as ratifying action taken in executive session, must necessarily take into consideration delegation of authority, which would be a factual determination made on a college-by-college basis. 1986 Op Att'y Gen, No. 86-8, p 36.

§ 59–125–100. Division into departments.

The board, aided by the president, shall divide the course of study and instruction into departments so as to secure thorough education and the best possible instruction.

HISTORY: 1962 Code § 22-410; 1952 Code § 22-410; 1942 Code § 5790; 1932 Code § 5790; Civ. C. '22 § 2809; Civ. C. '12 § 1875; Civ. C. '02 § 1289; 1891 (20) 1102; 1974 (58) 2074.

§ 59–125–110. Use of Clara Barrett Strait art objects and scholarship fund.

The board of trustees of Winthrop College shall retain custody of the paintings and objects of art formerly the property of Clara Barrett Strait and received by said trustees pursuant to the provisions of Act No. 355 of 1949 (Acts 1949, p. 784) and display them to the best advantage for said institution and the citizens of this State and shall use whatever cash it received from the administratrix of Clara Barrett Strait pursuant to said act for the furtherance of the education of students at the institution majoring in art. Such fund shall be known as the Clara Barrett Strait Scholarship Fund.

HISTORY: 1962 Code § 22-411; 1952 Code § 22-411: 1949 (46) 784.

§ 59–125–120. Degrees and diplomas.

The trustees may confer degrees upon and grant diplomas to all persons who satisfactorily complete the prescribed courses of study and training at Winthrop College, and may confer honorary degrees upon such persons as the trustees may deem appropriate.

HISTORY: 1962 Code § 22-412; 1952 Code § 22-412; 1942 Code § 5792; 1932 Code § 5792; Civ. C. '22 § 2811; Civ. C. '12 § 1877; Civ. C. '02 § 1291; 1891 (20) 1102; 1951 (47) 784; 1969 (56) 655; 1972 (57) 2390; 1974 (58) 2074.

Research and Practice References—

15 Am Jur 2d, Colleges and Universities § 28.

South Carolina State College

SEC.
59-127-10. Establishment of South Carolina State College.
59-127-20. Board of trustees; election; terms.
59-127-30. Quorum at board meetings.
59-127-40. Management and control of Claflin College.
59-127-50. College shall be separate from Claflin University and other institutions under religious control.
59-127-60. General powers of board.
59-127-70. Buildings; courses of study; appliances; staff.
59-127-80. One half of land scrip fund vested in board.

§ 59-127-10. Establishment of South Carolina State College.

There shall be established within this State a normal, industrial, agricultural and mechanical college for the higher education of the youth of the State, and such college shall be known as South Carolina State College.

HISTORY: 1962 Code § 22-551; 1952 Code § 22-551; 1942 Code § 5800; 1932 Code § 5800; Civ. C. '22 § 2819; Civ. C. '12 § 1879; Civ. C. '02 § 1293; 1896 (22) 174; 1954 (48) 1722; 1972 (57) 2494.

Research and Practice References—
Public Education. 25 SC L Rev 465.

CASE NOTES

Quoted in Wrighten v Board of Trustees, 72 F Supp 948 (1947).

ATTORNEY GENERAL'S OPINIONS

Because State College is an agency of the State of South Carolina, the College is not required to obtain a Section 501(c)(3) exemption in order for gifts to the College to be tax deductible. 1974-75 Op Att'y Gen, No 3932, p 15.

The State could be liable in a tort suit brought as a result of negligent operation of a vehicle owned by South Carolina State College where the school has opted not to purchase vehicle liability insurance. 1976-77 Op Atty Gen, No 77-174, p 136.

§ 59-127-20. Board of trustees; election; terms.

A. South Carolina State College shall be under the management and control of a board of trustees, composed of nine members, eight of whom shall be elected by the General Assembly, whose term of office shall be six years, the first six elected having been elected for terms of two, four, and six years, so that two of them go out of office every two years. In electing members of the board, the General Assembly shall elect members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board, is representative of all citizens of the State of South Carolina. One of the elected members shall be an alumnus of the South Carolina State College. The Governor of the State shall be ex officio the ninth member of the board of trustees. In case a vacancy or vacancies should occur on the board, the Governor may fill it by appointment until the next session of the General Assembly. Members of the board shall be entitled to subsistence, per diem, and mileage authorized for members of state boards, committees, and commissions.

The terms of the present members of the board who are elected by the General Assembly expire on the thirtieth day of June of the year in which the terms are scheduled to expire. After its 1984 session, the General Assembly shall elect successors to the elective trustees not earlier than the first day of April for a term to begin the following July first. Elections to fill vacancies on the board which are caused by the death, resignation, or removal of an elective trustee may be held earlier than the first day of April of the year in which the unexpired term terminates, but the term of the person elected to fill the vacancy expires on the last day of June of the year in which the term of the former member would have expired.

B. In addition to the members of the board in subsection A, there shall be one additional member of the board appointed by the Governor for a term of six years. The Governor shall make the appointment based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina. The term of the at-large trustee appointed by the Governor shall be effective upon certification to the Secretary of State. Any vacancy in the office of the member appointed by the Governor shall be filled by appointment of the Governor for the unexpired term in the same manner of original appointment.

C. In addition to the members of the Board of Trustees for South Carolina State College in subsections A and B of this section, the respective chairmen of the Senate Education Committee and the House Education and Public Works Committee, or a designee by either chairman from the membership of the respective committees, constitute ex officio members of the board. Any designee under this subsection shall serve at the pleasure of the chairman appointing him.

HISTORY: 1983 Act No. 130 § 14, eff June 15, 1983; 1983 Act No. 132 § 10, eff June 10, 1983; 1984 Act No. 354, § 8, eff April 30, 1984; 1988 Act No. 510, § 14, eff May 5, 1988.

Effect of Amendments—

This section was amended by 1983 Act No. 130, § 14, effective June 15, 1983, and by 1983 Act No. 132, § 10, effective June 10, 1983. Section 14 of 1983 Act No. 130, added the provisions that election by General Assembly shall be made on basis of merit and without regard to race, creed, color or gender, and authorized Board members to receive subsistance, per diem and mileage expenses.

The **1984** amendment added the second paragraph of subsection A.

The **1988** amendment added subsection C.

ATTORNEY GENERAL'S OPINIONS

Simultaneously serving on the board of trustees of South Carolina State College and as a member of a town council would most probably contravene the dual office holding prohibitions of the State Constitution. 1986 Op Att'y Gen, No. 86-43, p 130.

§ 59-127-30. Quorum at board meetings.

A majority of the board of trustees shall be necessary for the transaction of any business.

HISTORY: 1962 Code § 22-553; 1952 Code § 22-553; 1942 Code § 5804; 1932 Code § 5804; Civ. C. '22 § 2823; Civ. C. '12 § 1883; Civ. C. '02 § 1297; 1896 (22) 174.

§ 59-127-40. Management and control of Claflin College.

The board of trustees of South Carolina State College may take charge of, manage and control all of the real and personal property belonging to Claflin College, in whosesoever hands or custody the same may be now or hereafter found, and shall hold the same in trust for the benefit and uses of South Carolina State College.

HISTORY: 1962 Code § 22-554; 1952 Code § 22-554; 1942 Code § 5801; 1932 Code § 5801; Civ. C. '22 § 2820; Civ. C. '12 § 1880; Civ. C. '02 § 1294; 1896 (22) 174; 1954 (48) 1722.

§ 59–127–50. College shall be separate from Claflin University and other institutions under religious control.

South Carolina State College shall forever be, and remain, free and separate from Claflin University and all other colleges, schools or other institutions which are wholly or in part under the direction or control of any church or religious or sectarian denomination or society.

HISTORY: 1962 Code § 22-554.1; 1952 Code § 22-554.1; 1942 Code § 5802; 1932 Code § 5802; Civ. C. '22 § 2821; Civ. C. '12 § 1881; Civ. C. '02 § 1295; 1896 (22) 174; 1909 (26) 213; 1954 (48) 1722.

§ 59–127–60. General powers of board.

In the management of affairs of said college whenever it is found necessary to protect or to promote the interests of the State or whenever the trustees deem it right and proper or expedient for any reason the trustees may sell, purchase or exchange real estate. And the trustees shall fix the time and duration of all vacations to be given the students of the institution. South Carolina State College shall have all the rights and privileges possessed prior to March 3, 1896 by Claflin College.

HISTORY: 1962 Code § 22-555; 1952 Code § 22-555; 1942 Code § 5802; 1932 Code § 5802; Civ. C. '22 § 2821; Civ. C. '12 § 1881; Civ. C. '02 § 1295; 1896 (22) 174; 1909 (26) 213; 1954 (48) 1722.

Research and Practice References—
14 CJS, Colleges and Universities § 18.

§ 59–127–70. Buildings; courses of study; appliances; staff.

The board of trustees of South Carolina State College may provide all necessary suitable buildings upon a proper site for the purpose, establish a course of study covering the normal, industrial, agricultural and mechanical sciences, provide the necessary appliances for proper instruction in the same and select a proper corps of professors and instructors and fix their salaries.

HISTORY: 1962 Code § 22-556; 1952 Code § 22-556; 1942 Code § 5803; 1932 Code § 5803; Civ. C. '22 § 2822; Civ. C. '12 § 1822; Civ. C. '02 § 1296; 1896 (22) 174; 1954 (48) 1722; 1972 (57) 2494.

ATTORNEY GENERAL'S OPINIONS

The authority of a college president or the college's board of trustees in matters involving tenure and contracts of employment depends upon how much authority has been delegated or retained by the board of trustees. Any limitations imposed by the Freedom of Information Act, such as ratifying action taken in executive session, must necessarily take into consideration delegation of authority, which would be a factual determination made on a college-by-college basis. 1986 Op Att'y Gen, No. 86-8, p 36.

§ 59–127–80. One half of land scrip fund vested in board.

One half of the fund known as the land scrip fund, to wit: Ninety-five thousand and nine hundred dollars, shall be for the benefit of the South Carolina State College and shall be a perpetual fund, which shall forever remain undiminished, and the board of trustees is authorized to use the income thereon, to wit: Six per cent per annum, payable semiannually, from July 1, 1889 for the use and maintenance of such college.

HISTORY: 1962 Code § 22-557; 1952 Code § 22-557; 1942 Code § 5805; 1932 Code § 5805; Civ. C. '22 § 2824; Civ. C. '12 § 1884; Civ. C. '02 § 1298; 1889 (20) 299; 1868 (14) 169; 1879 (17) 86; 1896 (22) 173; 1954 (48) 1722; Const., Art. 11, § 8.

The College of Charleston

SEC.

59–130–10. Board of trustees.
59–130–20. Compensation of board members.
59–130–30. Powers of board.
59–130–40. Meetings of board.
59–130–50. Authority to sell or lease donated real property.

§ 59–130–10. Board of trustees.

The board of trustees for the College of Charleston is composed of the Governor of the State or his designee, the chairman of the Senate Committee on Education (or his designee from that committee), and the chairman of the House Committee on Education and Public Works (or his designee from that committee), which three are members ex officio of the board, and sixteen members, with fifteen of these members to be elected by the General Assembly and one member to be appointed from the State at large by the Governor. The General Assembly shall elect and the Governor shall appoint these members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of this State.

Of the fifteen members to be elected, two members must be elected from each congressional district and the remaining three members must be elected by the General Assembly from the State at large.

The term of office of the at-large trustee appointed by the Governor is effective upon certification to the Secretary of State and is coterminous with the term of the Governor appointing him. He shall serve after his term has expired until his successor is appointed and qualifies.

Each position on the board constitutes a separate office and the seats on the board are numbered consecutively as follows: for the First Congressional District, Seats One and Two; for the Second Congressional District, Seats Three and Four; for the Third Congressional District, Seats Five and Six; for the Fourth Congressional District, Seats Seven and Eight; for the Fifth Congressional District, Seats Nine and Ten; for the Sixth Congressional District, Seats Eleven and Twelve; for the at-large positions elected by the General Assembly, Seats Thirteen, Fourteen, and Fifteen. The member appointed by the Governor shall occupy Seat Sixteen.

Any person who, as of July 1, 1988, is serving as president of the State College Board of Trustees or is serving on the Planning Committee for the College of Charleston within the State College Board of Trustees has the option of serving as a trustee on the board of trustees for the College of Charleston for an appropriate two-year term expiring June 30, 1990. Such option must be exercised on the first day of the filing period. If two such members file for the same seat, the General Assembly shall elect the board member from those so filing.

Effective July 1, 1988, the even-numbered seats of those members elected by the General Assembly must be filled for four-year terms expiring June 30,

1992. The remaining elective odd-numbered seats on the board must be filled for two-year terms beginning July 1, 1988, and expiring June 30, 1990. The trustees for the odd-numbered seats must then be elected for four-year terms beginning July 1, 1990, and expiring June 30, 1994. The General Assembly shall hold elections every two years to select successors of the trustees whose four-year terms are then expiring. Except as otherwise provided in this chapter, no election may be held before April first of the year in which the successor's term is to commence. The term of office of an elective trustee commences on the first day of July of the year in which the trustee is elected.

If an elective office becomes vacant, the Governor may fill it by appointment until the next session of the General Assembly. The General Assembly shall hold an election at any time during the session to fill the vacancy for the unexpired portion of the term. A vacancy occurring in the appointed office on the board must be filled for the remainder of the unexpired term by appointment in the same manner of the original appointment.

HISTORY: 1988 Act No. 510, § 1, eff May 5, 1988; 1988 Act No. 658, Part II, § 43A, eff June 8, 1988.

Editor's Note—

Section 11 of 1988 Act No. 510 provides as follows:

"On and after the effective date of this act, the State College Board of Trustees shall cease to exist for all purposes, and any reference to "State College Board of Trustees" contained in any law of this State must be construed to mean "Board of Trustees of the College of Charleston", "Board of Trustees of Lander College", or "Board of Trustees of Francis Marion College", or any combination of these boards, as may be applicable in accordance with the terms of the text of the particular law in question."

Section 13 of 1988 Act No. 510 provides as follows:

"Beginning with its 1988 session, the General Assembly shall elect, and the Governor shall appoint, the initial trustees for the governing boards of the College of Charleston, Francis Marion College, and Lander College in conformity with the provisions of this act. The General Assembly shall elect the initial elected trustees not sooner than April 1, 1988, with terms of all initial trustees to commence on July 1, 1988."

Section 15 of 1988 Act No. 510 provides as follows:

"Notwithstanding the provisions of Section 59-130-10 of the 1976 Code as contained in Section 1 of this act, Section 59-133-10 of the 1976 Code as contained in Section 2 of this act, and Section 59-135-10 of the 1976 Code as contained in Section 3 of this act, regarding any person who, as of July 1, 1988, is serving as president of the State College Board of Trustees having the option of serving as a trustee on the new, separate board of trustees for an appropriate two-year term expiring June 30, 1990, the president of the State College Board of Trustees is limited to serving on only one of the three new, separate boards of trustees established by this act and may not serve on all three such boards."

Effect of Amendment—

The **1988** amendment revised the first paragraph so as to provide that a designee of the governor may serve in his place on the board of trustees.

§ 59–130–20. Compensation of board members.

Members of the board are entitled to subsistence, per diem, and mileage authorized for members of state boards, committees, and commissions.

HISTORY: 1988 Act No. 510, § 1, eff May 5, 1988.

§ 59–130–30. Powers of board.

The board of trustees is constituted a body corporate and politic under the name of the board of trustees for the College of Charleston. The corporation has the power to:

(1) have perpetual succession;

(2) sue and be sued by the corporate name;

(3) have a seal and to alter it at pleasure;

(4) make contracts and to have, to hold, to purchase, and to lease real estate and personal property for corporate purposes, and to sell and dispose of personal property and any building considered by it as surplus property or not further needed, and any buildings that it may need to do away with for the purpose of making room for other construction. The board does not have power to sell or dispose of any of its real estate, other than buildings, except with the consent of the State Budget and Control Board;

(5) appoint a chairman and to appoint or otherwise provide for the appointment of subordinate and assistant officers and agents, faculty members, instructors, and other employees, prescribing the terms of their employment and their duties and fixing their compensation;

(6) make bylaws and regulations for the management of its affairs and its own operations not inconsistent with law;

(7) condemn land for corporate purposes as provided by law;

(8) fix tuition fees and other charges for students attending the college, not inconsistent with law;

(9) confer degrees upon students and other persons as the board considers qualified;

(10) accept, receive, and hold all monies or other properties, real, personal, and mixed, that may be given, conveyed, bequeathed, or devised to the college and to use them for the benefit of the college, but in those cases where the money or property is received, charged with any trust, the money or property must be held and used strictly in accordance with the terms of the trust. If the terms of the trust require something to be done other than to administer the trust, no obligation in receiving the trust over and above its administration is binding upon the college or the State, except any obligation accepted by the General Assembly;

(11) assign any member of the faculty without additional salary to additional duties in any other college department than that in which the faculty member may at the time be working;

(12) compel by subpoena, rule, and attachment witnesses to appear and testify and papers to be produced and read before the board in all investigations relating to the affairs of the college;

(13) adopt measures and make regulations as the board considers necessary for the proper operation of the college;

(14) appoint for the college a board of visitors of a number as it may determine, to regulate the terms during which the members of the board of visitors serve, and to prescribe their functions;

(15) remove any officer, faculty member, agent, or employee for incompetence, neglect of duty, violation of college regulations, or conduct unbecoming a person occupying such a position;

(16) appoint an executive committee not exceeding five members of the board who have the powers of the board during the interim between meetings of the board but not the power to do anything inconsistent with the policy or action taken by the board, and the executive committee at each meeting of the board shall report fully all action taken by it during the interim;

(17) appoint committees of the board or officers or members of the

faculty of the college with authority and for purposes in connection with the operation of the college as the board considers necessary;

(18) appoint a president. The president shall report to and seek approval of his actions and those of his subordinates from the board;

(19) issue revenue bonds as provided by law.

HISTORY: 1988 Act No. 510, § 1, eff May 5, 1988.

§ 59–130–40. Meetings of board.

The board shall meet in Charleston not less than four times each year, the time and place to be fixed by the chairman or as the board provides. The chairman shall preside and, in his absence, a member shall preside as the board may select. The chairman or a majority of the members has the power to call a special meeting and fix the time and place of the meeting. A majority of the members constitutes a quorum for the transaction of all business of the board. A majority vote of the whole board is required for the election or removal of the president. The president, other officers, and faculty members shall attend meetings of the board when requested to do so.

Notice of the time and place of all meetings of the board must be mailed by the secretary or his assistant to each trustee not less than five days before each meeting.

HISTORY: 1988 Act No. 510, § 1, eff May 5, 1988.

§ 59–130–50. Authority to sell or lease donated real property.

Upon approval of the State Budget and Control Board, the board is authorized to lease or sell any real property which may have been or may be donated to the college during any fund campaign. The proceeds of any lease or sale must be applied to the original purpose of the donation of the property leased or sold.

HISTORY: 1988 Act No. 510, § 1, eff May 5, 1988.

Parking Facilities at the College of Charleston

New Sections Added

Sec.
59–131–25. Use of proceeds of bonds.

§ 59–131–10. State College Board of Trustees authorized to provide parking facilities at the College of Charleston.

Subject to the conditions of this chapter, the board of trustees for the College of Charleston is authorized to:

(a) provide parking facilities, including one or more multilevel parking garage facilities, on its properties, acquired at the college and on property in the vicinity of the college leased by the City of Charleston to the State for not less than ninety-nine years under the terms and conditions of an agreement between the city and the board providing for the operation and maintenance of the parking facilities to be constructed on the property;

(b) promulgate regulations concerning the use of the facilities, including regulations requiring those who undertake to park motor vehicles on the properties of the board to utilize the facilities;

(c) to establish and maintain, and revise, whenever necessary, a schedule of rates and charges for the use of the facilities which must be designed to provide not less than the sums required to pay principal and interest of any bonds authorized pursuant to this chapter.

HISTORY: 1981 Act No. 26, § 2, eff April 9, 1981; 1988 Act No. 510, § 8, eff May 5, 1988.

Editor's Note—

Section 1 of 1981 Act No. 26 contains legislative findings relative to this chapter and provides as follows:

"The General Assembly finds that by Act 77 of 1975 the General Assembly authorized the issuance of parking facilities revenue bonds by the State College Board of Trustees in order to provide parking facilities on properties of the State College Board of Trustees at the College of Charleston. It further finds that by Act 194 of 1979 the General Assembly authorized the use of state funds to defray part of the cost of a multilevel parking garage at the College of Charleston on a site to be leased to the State provided (a) not less than one million dollars of parking facilities revenue bonds are issued pursuant to Act 77 of 1975 and (b) an agreement is negotiated between the City of Charleston and the State College Board of Trustees under which the City leases the garage site to the State for a term of not less than ninety-nine years and assures that the parking garage will be operated and maintained, which agreement has been found legally adequate by the Attorney General and approved by the Budget and Control Board after review by the Bond Review Committee created by Act 761 of 1976.

"No bonds have yet been issued pursuant to Act 77 of 1975 and the General Assembly is now minded to amend Act 77 of 1975 to confirm the authorization thereunder for the issuance of parking facilities revenue bonds to finance a part of the cost of constructing a multi-level parking garage on property to be leased by the City of Charleston to the State under an agreement which meets the requirements of Act 194 of 1979."

Effect of Amendments—

The **1981** amendment substantially rewrote item (a).

The **1988** amendment replaced references to the state college board of trustees with the board of trustees for the College of Charleston or simply board, in item (a) deleted a provision with respect to construction of parking facilities requiring approval of the attorney general, the budget and control board and the bond review committee, and made grammatical changes throughout.

§ 59–131–20. Bond issue authorized upon approval of State Budget and Control Board.

If the approval of the State Budget and Control Board (the State Board) is obtained and expressed by a resolution adopted by the State Board, the trustees of the College shall be authorized to issue, from time to time, bonds of the trustees, payable from the revenues required by this chapter to be pledged therefor, in such amount as the trustees and the State Board shall approve.

HISTORY: 1975 (59) 79.

§ 59–131–25. Use of proceeds of bonds.

The proceeds of bonds issued pursuant to this chapter shall be deposited with the State Treasurer and used to defray all or a part of the cost of acquiring and constructing the parking facilities authorized in this chapter and to defray the cost of issuing such bonds.

HISTORY: 1981 Act No. 26, § 3, eff April 9, 1981.

§ 59–131–30. Bonds shall be payable solely from revenues of parking facilities.

All bonds issued pursuant to this chapter are payable from the revenues derived from all parking facilities which the board of trustees for the College of Charleston may possess at the college, including parking facilities on property leased to the State under the terms and conditions of an agreement described in Section 59-131-10(a), and the revenues must be pledged to the payment of the principal and interest of the bonds in the manner provided in this chapter. The board may, in its discretion, determine with respect to each parking facility to pledge either the entire revenues derived from the parking facility or the revenues derived from the parking facility remaining after defraying the cost of operation and maintenance of the parking facility. In the issuance of the bonds, the trustees may reserve the right to issue additional bonds payable from the revenues and on a parity with the bonds authorized by this chapter, whether issued pursuant to this chapter or pursuant to any other provision of law.

HISTORY: 1981 Act No. 26, § 4, eff April 9, 1981; 1988 Act No. 510, § 9, eff May 5, 1988.

Effect of Amendments—

The **1981** amendment substantially revised this section.

The **1988** amendment replaced "trustees" with "board of trustees for the College of Charleston", "State College Board of Trustees" with "board", and "legislation hereafter enacted" with "any other provision of law", and made grammatical changes.

§ 59–131–40. Full faith and credit of State not pledged for payment of bonds.

The faith and credit of the State of South Carolina shall not be pledged for the payment of the principal and interest of such bonds, and there shall be on the face of each bond a statement plainly worded, to that effect. Neither the trustees nor any other person signing the bonds shall be personally liable thereon.

HISTORY: 1975 (59) 79.

§ 59–131–50. Provisions of resolution concerning bonds.

In order to avail themselves of the authorizations set forth in this chapter, the trustees shall adopt resolutions providing for the issuance of the bonds within the limitations herein mentioned, which resolutions shall prescribe the tenor, terms and conditions of such bonds. Such bonds shall be issued as serial bonds, maturing in equal or unequal amounts, at such times and on such occasions as the trustees shall determine. *Provided,* always, that the last maturing bonds of any issue shall be expressed to mature not later than forty years from their date, and the first maturing bonds of any issue, issued pursuant to this chapter, shall fall due within five years from their date. They shall bear such rates of interest, payable on such occasion, as the trustees shall prescribe, and the bonds shall be in such denominations, shall be payable in such medium of payment, and at such place as such resolutions shall prescribe. All bonds maturing subsequent to fifteen years from their date shall be subject to redemption not later than fifteen years from their date, and on all subsequent interest payment dates prior to their respective maturities. All bonds may be issued with a provision permitting their redemption on any interest payment date prior to their respective maturities. Bonds made subject to redemption prior to their stated maturities may contain a provision requiring the payment of a premium for the privilege of exercising the right of redemption, in such amount as the trustees shall prescribe in the resolutions authorizing their issuance. All bonds that are subject to redemption shall contain a statement to that effect on the face of each bond. The resolution authorizing their issuance shall contain provisions, specifying the manner of call and the notice of call that must be given.

HISTORY: 1975 (59) 79.

§ 59–131–60. Negotiability and registration.

Such bonds may be in the form of negotiable coupon bonds, payable to bearer, with the privilege to the holder of having them registered and upon such conditions in such manner as the trustees shall prescribe, and the principal thus made payable to the registered holder, unless the last registered transfer shall have been to bearer, or such bonds may be issued as fully registered bonds. If issued as fully registered bonds, it may be provided that they may thereafter be converted into negotiable coupon bonds of the tenor described above.

HISTORY: 1975 (59) 79.

§ 59–131–70. Exemption of bonds from taxation.

The bonds authorized by this chapter and all interest to become due thereon shall have the tax exempt status prescribed by § 12–1–60 of the 1976 Code.

HISTORY: 1975 (59) 79.

§ 59–131–80. Bonds as lawful investments.

It shall be lawful for all executors, administrators, guardians and fiduciaries, all sinking fund commissions, and the State Board, as Trustee of the South Carolina Retirement System, to invest any moneys in their hands in such bonds.

HISTORY: 1975 (59) 79.

§ 59–131–90. Execution of bonds.

Such bonds and the coupons, if any, attached to such bonds, shall be executed in the name of the trustees in such manner and by such persons as the trustees shall from time to time determine, and the seal of the College shall be affixed to or impressed on each bond. Any coupons attached to such bonds shall be authenticated by the facsimile signature of one or more of the persons signing the bonds. The delivery of the bonds so executed shall be valid notwithstanding changes in officers or seal occurring after such execution.

HISTORY: 1975 (59) 79.

§ 59–131–100. Sales of bonds.

The bonds shall be disposed of in such manner as the trustees shall determine, except that no sale shall be made unless the approval of the State Board shall be obtained. If the trustees shall elect to sell the bonds at public sale, at least one advertisement thereof shall appear in some newspaper of general circulation in South Carolina not less than ten days prior to the occasion fixed for the opening of bids.

HISTORY: 1975 (59) 79.

§ 59–131–110. Securing payment of bonds.

To the end that the payment of the principal and interest of the bonds authorized hereby shall be adequately secured, the trustees shall be empowered in their discretion:

1. To issue bonds in such amount as the trustees shall deem necessary, provided that it shall be lawful for the trustees to use a portion of the principal proceeds derived from any sale of bonds to meet the payment of interest on such bonds for a period of one year, it being recognized by the General Assembly, that until the facilities, to be constructed with the proceeds of the loan, shall be completed, an undue burden may be imposed upon then existing revenues.

2. To pledge the entire revenues of the facilities for the payment of the principal of and interest on the bonds as they respectively mature.

3. To covenant that no parking facilities owned by the trustees at the College will be used free of charge, or to specify and limit the facilities which may be made use of free of charge.

4. To convenant to establish and maintain such system of rules as will insure the greatest use and occupancy of the facilities.

5. To covenant that an adequate schedule of charges will be established and maintained for all the facilities, to the extent necessary to produce sufficient revenues to:

(a) Pay the cost of operating and maintaining the facilities, including the cost of fire, extended coverage and use and occupancy insurance;

(b) Pay the principal and interest of the bonds as they respectively become due;

(c) Create and at all times maintain an adequate Debt Service Reserve Fund to meet the payment of such principal and interest; and

(d) Create and at all times maintain an adequate reserve for contingencies and for major repairs and replacement.

6. To covenant against the mortgaging or disposing of the facilities, and against permitting or suffering any lien to be created thereon, equal or superior to the lien created for the benefit of such bonds.

7. To covenant as to the use of the proceeds derived from the sale of any bonds issued pursuant to this chapter.

8. To provide for the terms, form, registration, exchange, execution and authentication of bonds, and for the replacement of lost, destroyed or mutilated bonds.

9. To make covenants with respect to the use of the facilities, to be constructed with the proceeds of the bonds authorized hereby,

and of the other facilities, whose revenues shall be pledged for the payment of the bonds.

10. To covenant that all revenues pledged for the payment of the bonds shall be duly segregated into special funds and that such funds will be used solely for the purposes for which they are intended and for no other purpose.

11. To covenant for the mandatory redemption of bonds on such terms and conditions as the resolutions authorizing such bonds shall prescribe.

12. To prescribe the procedure, if any, by which the terms of the contract with the bondholders may be amended, the number of bonds whose holders must consent thereto, and the manner in which such consent shall be given.

13. To covenant as to the maintenance of the facilities, the insurance to be carried thereon, and the use and disposition of proceeds from any insurance policy.

14. To prescribe the events of default and the terms and conditions upon which all or any bonds shall become or may be declared due before maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

15. To impose a statutory lien upon the facilities. Such lien shall extend to such facilities, to their appurtenances and extension, to their additions, improvements, and enlargements to the extent specified in the resolutions and shall inure to the benefit of the holders of the bonds secured thereby. Such facilities shall remain subject to such statutory lien until the payment in full of the principal and interest of the bonds. Any holder of any of the bonds, or any of the coupons representing interest thereon, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce the statutory lien, and may, by suit, action, mandamus or other proceedings enforce and compel performance of all duties of the trustees, including the fixing of sufficient rates, the proper segregation of the revenues, and the proper application thereof. *Provided,* that the statutory lien shall not be construed to give any such bond or coupon holder authority to compel the sale of any of the facilities, or any part thereof.

16. To covenant that if there be any default in the payment of the principal of or interest upon any of the bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the facilities, whose revenues shall be pledged for the payment of such bonds, with power to fix rates and charges for the facilities, sufficient to provide for the payment of the expense of operating and maintaining such facilities, and to

apply the income and revenues of such facilities to the payment of such bonds, and the interest thereon.

17. To establish on or before the occasion of the delivery of any bonds issued pursuant to this chapter a Debt Service Reserve Fund and to cause the same to be deposited with a corporate trustee, and to that end, the trustees shall be empowered to utilize any moneys available for such purpose, including revenues previously accumulated from the facilities prior to the issuance of bonds.

18. To appoint a corporate trustee to whom shall be paid all or any portion of the revenues pledged to the payment of the bonds or derived from the operation of the facilities, and to prescribe the manner in which the revenues shall be utilized and disposed of.

19. To prescribe the conditions under which bonds on a parity with these bonds may be issued.

The authorizations contained in this section shall also apply with respect to parking facilities on property leased to the State for not less than ninety-nine years under the terms and conditions of an agreement described in item (a) of § 59-131-10 and the revenues from such parking facilities.

HISTORY: 1981 Act No. 26, § 5, eff April 9, 1981.

Effect of Amendments—

The 1981 amendment added the final unnumbered paragraph.

§ 59-131-120. No time limit on issuance of bonds.

The authorizations granted by this chapter shall remain of full force and effect until rescinded by subsequent enactment, and no time limit is set for the issuance of bonds pursuant to this chapter.

HISTORY: 1975 (59) 79.

Francis Marion College

SEC.
59-133-10. Board of trustees.
59-133-20. Compensation of board members.
59-133-30. Powers of board.
59-133-40. Meetings of board.
59-133-50. Authority to sell or lease donated real property.

§ 59-133-10. Board of trustees.

The board of trustees for Francis Marion College is composed of the Governor of the State or his designee, the chairman of the Senate Committee on Education (or his designee from that committee), and the chairman of the House Committee on Education and Public Works (or his designee from that committee), which three are members ex officio of the board, and sixteen members, with fifteen of these members to be elected by the General Assembly and one member to be appointed from the State at large by the Governor. The General Assembly shall elect and the Governor shall appoint these members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of this State.

Of the fifteen members to be elected, two members must be elected from each congressional district and the remaining three members must be elected by the General Assembly from the State at large.

The term of office of the at-large trustee appointed by the Governor is effective upon certification to the Secretary of State and is coterminous with the term of the Governor appointing him. He shall serve after his term has expired until his successor is appointed and qualifies.

Each position on the board constitutes a separate office and the seats on the board are numbered consecutively as follows: for the First Congressional District, Seats One and Two; for the Second Congressional District, Seats Three and Four; for the Third Congressional District, Seats Five and Six; for the Fourth Congressional District, Seats Seven and Eight; for the Fifth Congressional District, Seats Nine and Ten; for the Sixth Congressional District, Seats Eleven and Twelve; for the at-large positions elected by the General Assembly, Seats Thirteen, Fourteen, and Fifteen. The member appointed by the Governor shall occupy Seat Sixteen.

Any person who, as of July 1, 1988, is serving as president of the State College Board of Trustees or is serving on the Planning Committee for Francis Marion College within the State College Board of Trustees has the option of serving as a trustee on the board of trustees for Francis Marion College for an appropriate two-year term expiring June 30, 1990. Such option must be exercised on the first day of the filing period. If two such members file for the same seat, the General Assembly shall elect the board member from those so filing.

Effective July 1, 1988, the even-numbered seats of those members elected by the General Assembly must be filled for four-year terms expiring June 30,

1992. The remaining elective odd-numbered seats on the board must be filled for two-year terms beginning July 1, 1988, and expiring June 30, 1990. The trustees for the odd-numbered seats must then be elected for four-year terms beginning July 1, 1990, and expiring June 30, 1994. The General Assembly shall hold elections every two years to select successors of the trustees whose four-year terms are then expiring. Except as otherwise provided in this chapter, no election may be held before April first of the year in which the successor's term is to commence. The term of office of an elective trustee commences on the first day of July of the year in which the trustee is elected.

If an elective office becomes vacant, the Governor may fill it by appointment until the next session of the General Assembly. The General Assembly shall hold an election at any time during the session to fill the vacancy for the unexpired portion of the term. A vacancy occurring in the appointed office on the board must be filled for the remainder of the unexpired term by appointment in the same manner of the original appointment.

HISTORY: 1988 Act No. 510, § 2, eff May 5, 1988; 1988 Act No. 658, Part II, § 43B, eff June 8, 1988.

Editor's Note—

Section 11 of 1988 Act No. 510 provides as follows:

"On and after the effective date of this act, the State College Board of Trustees shall cease to exist for all purposes, and any reference to "State College Board of Trustees" contained in any law of this State must be construed to mean "Board of Trustees of the College of Charleston", "Board of Trustees of Lander College", or "Board of Trustees of Francis Marion College", or any combination of these boards, as may be applicable in accordance with the terms of the text of the particular law in question."

Section 13 of 1988 Act No. 510 provides as follows:

"Beginning with its 1988 session, the General Assembly shall elect, and the Governor shall appoint, the initial trustees for the governing boards of the College of Charleston, Francis Marion College, and Lander College in conformity with the provisions of this act. The General Assembly shall elect the initial elected trustees not sooner than April 1, 1988, with terms of all initial trustees to commence on July 1, 1988."

Section 15 of 1988 Act No. 510 provides as follows:

"Notwithstanding the provisions of Section 59-130-10 of the 1976 Code as contained in Section 1 of this act, Section 59-133-10 of the 1976 Code as contained in Section 2 of this act, and Section 59-135-10 of the 1976 Code as contained in Section 3 of this act, regarding any person who, as of July 1, 1988, is serving as president of the State College Board of Trustees having the option of serving as a trustee on the new, separate board of trustees for an appropriate two-year term expiring June 30, 1990, the president of the State College Board of Trustees is limited to serving on only one of the three new, separate boards of trustees established by this act and may not serve on all three such boards."

Effect of Amendment—

The **1988** amendment revised the first paragraph so as to provide that a designee of the governor may serve in his place on the board of trustees.

§ 59–133–20. Compensation of board members.

Members of the board are entitled to subsistence, per diem, and mileage authorized for members of state boards, committees, and commissions.

HISTORY: 1988 Act No. 510, § 2, eff May 5, 1988.

§ 59–133–30. Powers of board.

The board of trustees is constituted a body corporate and politic under the name of the board of trustees for Francis Marion College. The corporation has the power to:

(1) have perpetual succession;

(2) sue and be sued by the corporate name;

(3) have a seal and to alter it at pleasure;

(4) make contracts and to have, to hold, to purchase, and to lease real estate and personal property for corporate purposes, and to sell and dispose of personal property and any building considered by it as surplus property or not further needed, and any buildings that it may need to do away with for the purpose of making room for other construction. The board does not have power to sell or dispose of any of its real estate, other than buildings, except with the consent of the State Budget and Control Board;

(5) appoint a chairman and to appoint or otherwise provide for the appointment of subordinate and assistant officers and agents, faculty members, instructors, and other employees, prescribing the terms of their employment and their duties and fixing their compensation;

(6) make bylaws and regulations for the management of its affairs and its own operations not inconsistent with law;

(7) condemn land for corporate purposes as provided by law;

(8) fix tuition fees and other charges for students attending the college, not inconsistent with law;

(9) confer degrees upon students and other persons as the board considers qualified;

(10) accept, receive, and hold all monies or other properties, real, personal, and mixed, that may be given, conveyed, bequeathed, or devised to the college and to use them for the benefit of the college, but in those cases where the money or property is received, charged with any trust, the money or property must be held and used strictly in accordance with the terms of the trust. If the terms of the trust require something to be done other than to administer the trust, no obligation in receiving the trust over and above its administration is binding upon the college or the State, except any obligation accepted by the General Assembly;

(11) assign any member of the faculty without additional salary to additional duties in any other college department than that in which the faculty member may at the time be working;

(12) compel by subpoena, rule, and attachment witnesses to appear and testify and papers to be produced and read before the board in all investigations relating to the affairs of the college;

(13) adopt measures and make regulations as the board considers necessary for the proper operation of the college;

(14) appoint for the college a board of visitors of a number as it may determine, to regulate the terms during which the members of the board of visitors serve, and to prescribe their functions;

(15) remove any officer, faculty member, agent, or employee for incompetence, neglect of duty, violation of college regulations, or conduct unbecoming a person occupying such a position;

(16) appoint an executive committee not exceeding five members of the board who have the powers of the board during the interim between meetings of the board but not the power to do anything inconsistent with the policy or action taken by the board, and the executive committee at each meeting of the board shall report fully all action taken by it during the interim;

(17) appoint committees of the board or officers or members of the

faculty of the college with authority and for purposes in connection with the operation of the college as the board considers necessary;

(18) appoint a president. The president shall report to and seek approval of his actions and those of his subordinates from the board;

(19) issue revenue bonds as provided by law.

HISTORY: 1988 Act No. 510, § 2, eff May 5, 1988.

§ 59–133–40. Meetings of board.

The board shall meet in Florence not less than four times each year, the time and place to be fixed by the chairman or as the board provides. The chairman shall preside and, in his absence, a member shall preside as the board may select. The chairman or a majority of the members has the power to call a special meeting and fix the time and place of the meeting. A majority of the members constitutes a quorum for the transaction of all business of the board. A majority vote of the whole board is required for the election or removal of the president. The president, other officers, and faculty members shall attend meetings of the board when requested to do so.

Notice of the time and place of all meetings of the board must be mailed by the secretary or his assistant to each trustee not less than five days before each meeting.

HISTORY: 1988 Act No. 510, § 2, eff May 5, 1988.

§ 59–133–50. Authority to sell or lease donated real property.

Upon approval of the State Budget and Control Board, the board is authorized to lease or sell any real property which may have been or may be donated to the college during any fund campaign. The proceeds of any lease or sale must be applied to the original purpose of the donation of the property leased or sold.

HISTORY: 1988 Act No. 510, § 2, eff May 5, 1988.

Lander College

Sec.
59–135–10. Board of trustees.
59–135–20. Compensation of board members.
59–135–30. Powers of board.
59–135–40. Meetings of board.
59–135–50. Authority to sell or lease donated real property.

§ 59–135–10. Board of trustees.

The board of trustees for Lander College is composed of the Governor of the State or his designee, the chairman of the Senate Committee on Education (or his designee from that committee), and the chairman of the House Committee on Education and Public Works (or his designee from that committee), which three are members ex officio of the board, and sixteen members, with fifteen of these members to be elected by the General Assembly and one member to be appointed from the State at large by the Governor. The General Assembly shall elect and the Governor shall appoint these members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of this State.

Of the fifteen members to be elected, two members must be elected from each congressional district and the remaining three members must be elected by the General Assembly from the State at large.

The term of office of the at-large trustee appointed by the Governor is effective upon certification to the Secretary of State and is coterminous with the term of the Governor appointing him. He shall serve after his term has expired until his successor is appointed and qualifies.

Each position on the board constitutes a separate office and the seats on the board are numbered consecutively as follows: for the First Congressional District, Seats One and Two; for the Second Congressional District, Seats Three and Four; for the Third Congressional District, Seats Five and Six; for the Fourth Congressional District, Seats Seven and Eight; for the Fifth Congressional District, Seats Nine and Ten; for the Sixth Congressional District, Seats Eleven and Twelve; for the at-large positions elected by the General Assembly, Seats Thirteen, Fourteen, and Fifteen. The member appointed by the Governor shall occupy Seat Sixteen.

Any person who, as of July 1, 1988, is serving as president of the State College Board of Trustees or is serving on the Planning Committee for Lander College within the State College Board of Trustees has the option of serving as a trustee on the board of trustees for Lander College for an appropriate two-year term expiring June 30, 1990. Such option must be exercised on the first day of the filing period. If two such members file for the same seat, the General Assembly shall elect the board member from those so filing.

Effective July 1, 1988, the even-numbered seats of those members elected by the General Assembly must be filled for four-year terms expiring June 30,

1992. The remaining elective odd-numbered seats on the board must be filled for two-year terms beginning July 1, 1988, and expiring June 30, 1990. The trustees for the odd-numbered seats must then be elected for four-year terms beginning July 1, 1990, and expiring June 30, 1994. The General Assembly shall hold elections every two years to select successors of the trustees whose four-year terms are then expiring. Except as otherwise provided in this chapter, no election may be held before April first of the year in which the successor's term is to commence. The term of office of an elective trustee commences on the first day of July of the year in which the trustee is elected.

If an elective office becomes vacant, the Governor may fill it by appointment until the next session of the General Assembly. The General Assembly shall hold an election at any time during the session to fill the vacancy for the unexpired portion of the term. A vacancy occurring in the appointed office on the board must be filled for the remainder of the unexpired term by appointment in the same manner of the original appointment.

HISTORY: 1988 Act No. 510, § 3, eff May 5, 1988; 1988 Act No. 658, Part II, § 43C, eff June 8, 1988.

Editor's Note—

Section 11 of 1988 Act No. 510 provides as follows:

"On and after the effective date of this act, the State College Board of Trustees shall cease to exist for all purposes, and any reference to "State College Board of Trustees" contained in any law of this State must be construed to mean "Board of Trustees of the College of Charleston", "Board of Trustees of Lander College", or "Board of Trustees of Francis Marion College", or any combination of these boards, as may be applicable in accordance with the terms of the text of the particular law in question."

Section 13 of 1988 Act No. 510 provides as follows:

"Beginning with its 1988 session, the General Assembly shall elect, and the Governor shall appoint, the initial trustees for the governing boards of the College of Charleston, Francis Marion College, and Lander College in conformity with the provisions of this act. The General Assembly shall elect the initial elected trustees not sooner than April 1, 1988, with terms of all initial trustees to commence on July 1, 1988."

Section 15 of 1988 Act No. 510 provides as follows:

"Notwithstanding the provisions of Section 59-130-10 of the 1976 Code as contained in Section 1 of this act, Section 59-133-10 of the 1976 Code as contained in Section 2 of this act, and Section 59-135-10 of the 1976 Code as contained in Section 3 of this act, regarding any person who, as of July 1, 1988, is serving as president of the State College Board of Trustees having the option of serving as a trustee on the new, separate board of trustees for an appropriate two-year term expiring June 30, 1990, the president of the State College Board of Trustees is limited to serving on only one of the three new, separate boards of trustees established by this act and may not serve on all three such boards."

Effect of Amendment—

The **1988** amendment revised the first paragraph so as to provide that a designee of the governor may serve in his place on the board of trustees.

§ 59–135–20. Compensation of board members.

Members of the board are entitled to subsistence, per diem, and mileage authorized for members of state boards, committees, and commissions.

HISTORY: 1988 Act No. 510, § 3, eff May 5, 1988.

§ 59–135–30. Powers of board.

The board of trustees is constituted a body corporate and politic under the name of the board of trustees for Lander College. The corporation has the power to:

(1) have perpetual succession;

(2) sue and be sued by the corporate name;

(3) have a seal and to alter it at pleasure;

(4) make contracts and to have, to hold, to purchase, and to lease real estate and personal property for corporate purposes, and to sell and dispose of personal property and any building considered by it as surplus property or not further needed, and any buildings that it may need to do away with for the purpose of making room for other construction. The board does not have power to sell or dispose of any of its real estate, other than buildings, except with the consent of the State Budget and Control Board;

(5) appoint a chairman and to appoint or otherwise provide for the appointment of subordinate and assistant officers and agents, faculty members, instructors, and other employees, prescribing the terms of their employment and their duties and fixing their compensation;

(6) make bylaws and regulations for the management of its affairs and its own operations not inconsistent with law;

(7) condemn land for corporate purposes and provided by law;

(8) fix tuition fees and other charges for students attending the college, not inconsistent with law;

(9) confer degrees upon students and other persons as the board considers qualified;

(10) accept, receive, and hold all monies or other properties, real, personal, and mixed, that may be given, conveyed, bequeathed, or devised to the college and to use them for the benefit of the college, but in those cases where the money or property is received, charged with any trust, the money or property must be held and used strictly in accordance with the terms of the trust. If the terms of the trust require something to be done other than to administer the trust, no obligation in receiving the trust over and above its administration is binding upon the college or the State, except any obligation accepted by the General Assembly;

(11) assign any member of the faculty without additional salary to additional duties in any other college department than that in which the faculty member may at the time be working;

(12) compel by subpoena, rule, and attachment witnesses to appear and testify and papers to be produced and read before the board in all investigations relating to the affairs of the college;

(13) adopt measures and make regulations as the board considers necessary for the proper operation of the college;

(14) appoint for the college a board of visitors of a number as it may determine, to regulate the terms during which the members of the board of visitors serve, and to prescribe their functions;

(15) remove any officer, faculty member, agent, or employee for incompetence, neglect of duty, violation of college regulations, or conduct unbecoming a person occupying such a position;

(16) appoint an executive committee not exceeding five members of the board who have the powers of the board during the interim between meetings of the board but not the power to do anything inconsistent with the policy or action taken by the board, and the executive committee at each meeting of the board shall report fully all action taken by it during the interim;

(17) appoint committees of the board or officers or members of the

faculty of the college with authority and for purposes in connection with the operation of the college as the board considers necessary;

(18) appoint a president. The president shall report to and seek approval of his actions and those of his subordinates from the board;

(19) issue revenue bonds as provided by law.

HISTORY: 1988 Act No. 510, § 3, eff May 5, 1988.

§ 59–135–40. Meetings of board.

The board shall meet in Greenwood not less than four times each year, the time and place to be fixed by the chairman or as the board provides. The chairman shall preside and, in his absence, a member shall preside as the board may select. The chairman or a majority of the members has the power to call a special meeting and fix the time and place of the meeting. A majority of the members constitutes a quorum for the transaction of all business of the board. A majority vote of the whole board is required for the election or removal of the president. The president, other officers, and faculty members shall attend meetings of the board when requested to do so.

Notice of the time and place of all meetings of the board must be mailed by the secretary or his assistant to each trustee not less than five days before each meeting.

HISTORY: 1988 Act No. 510, § 3, eff May 5, 1988.

§ 59–135–50. Authority to sell or lease donated real property.

Upon approval of the State Budget and Control Board, the board is authorized to lease or sell any real property which may have been or may be donated to the college during any fund campaign. The proceeds of any lease or sale must be applied to the original purpose of the donation of the property leased or sold.

HISTORY: 1988 Act No. 510, § 3, eff May 5, 1988.

CHARLESTON HIGHER EDUCATION CONSORTIUM

§§ 59–101–200 through 59–101–270. [En 1981 Act No. 178, Part II, § 26] **Repealed** by 1988 Act No. 658, Part II, § 13A, eff July 1, 1988.

Editor's Note—

Former §§ 59-101-200 through 59-101-270 provided for the location of the principal office of the Charleston Higher Education Consortium, its members, the terms, and adding members; provided for a Board of Directors of the consortium and its members and officers; provided for an advisory committee; provided the purpose of the consortium; provided the duties of the consortium; provided for a master plan and annual reports; provided for an executive director; and provided for the reduction of employees of members when the number of employees of the consortium increased.

The Charleston Higher Education Consortium was created by Part II, Section 24 of 1969 Act No. 349 (the General Appropriations Act).

State College Board of Trustees

SEC.

59–105–10. Board created; membership; board shall be governing body of Francis Marion College and other four-year state-supported colleges.

§ 59–105–10. [Am 1983 Act No. 130 § 1] **Repealed** 1988 Act No. 510 § 12, eff May 5, 1988.

§§ 59–105–20 and 59–105–30. [Am 1983 Act No. 130 §§ 2, 3; 1983 Act No. 132 §§ 1, 2; 1984 Act No. 354 §§ 1, 2] **Repealed** 1988 Act No. 510 § 12, eff May 5, 1988.

§ 59–105–40. [Am 1987 Act No. 173 § 52] **Repealed** 1988 Act No. 510 § 12, eff May 5, 1988.

ATTORNEY GENERAL'S OPINIONS

The authority of a college president or the college's board of trustees in matters involving tenure and contracts of employment depends upon how much authority has been delegated or retained by the board of trustees. Any limitations imposed by the Freedom of Information Act, such as ratifying action taken in executive session, must necessarily take into consideration delegation of authority, which would be a factual determination made on a college-by-college basis. 1986 Op Att'y Gen, No. 86-8, p 36.

§§ 59–105–50 through 59–105–70. Repealed by 1988 Act No. 510 § 12, eff May 5, 1988.

AREA HIGHER EDUCATION COMMISSIONS

Western Carolina Higher Education Commission

§ 59–57–10. Western Carolina Higher Education Commission created; membership; organization.

There is created the Western Carolina Higher Education Commission composed of ten members, two of whom must be from each of the following counties: Allendale, Bamberg, Barnwell, Colleton, and Hampton. The members must be appointed by the Governor upon the recommendation of a majority of the legislative delegations from the respective counties. The terms of office are for four years and until their successors have been appointed and qualify. One of the commissioners from each county must be appointed initially for a term of two years.

The commission shall meet as soon as practicable after all appointments have been made and elect officers and adopt rules and procedures as it considers desirable to carry out the duties.

The members shall serve without compensation or fees.

HISTORY: 1984 Act No. 270, § 1, eff February 14, 1984.

Effect of Amendments—
The 1984 amendment increased membership to 10 members, added representatives for Colleton County, and made other minor changes.

§ 59–57–20. Meetings.

The Commission may meet at such times and in such places as the majority of the members deem most desirable. Meetings shall be called by the chairman of the Commission; *provided,* that in the event the chairman is unable or unwilling to call a meeting, the Commission can be called into session on the written request and signatures of three members.

HISTORY: 1962 Code § 21-722; 1965 (54) 269.

§ 59–57–30. Purpose.

The commission shall encourage higher education in the respective counties and adjacent areas and establish within the area facilities to offer standard freshman and sophomore college courses and other courses as considered desirable.

The commission shall also furnish and operate recreational facilities and programs in conjunction with its other purposes and may make the facilities available to the public.

HISTORY: 1984 Act No. 270, § 2, eff February 14, 1984.

Effect of Amendments—
The 1984 amendment rewrote the first paragraph, and added the second paragraph to require the commission to furnish and operate recreational facilities and programs and to make the facilities available to the public.

§ 59–57–40. Powers and duties; liability of counties.

To carry out its purpose and objective the Commission, with the approval of a majority of its members, may enter into contracts, make binding agreements, negotiate with educators and educational institutions and, generally, take such actions in its name as are necessary to secure for the respective counties and adjacent areas the educational facilities described in § 59–57–30; *provided,* that the counties shall not be bound nor held liable for any acts of omission or commission of the Commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of a majority of the legislative delegations from the respective counties.

The Commission may borrow funds in anticipation of taxes, appropriations, grants or gifts with the prior written approval of a majority of the legislative delegation from each county. The Commission may accept grants, gifts or donations and may hold title to real and personal property.

HISTORY: 1962 Code § 21-724; 1965 (54) 269.

§ 59–57–50. Educational advisory committee.

To facilitate its work, the Commission may appoint from the respective counties, and from such adjacent areas as deemed appropriate, an educational advisory committee consisting of not less than ten nor more than fifteen members, which shall meet and consult with the Commission from time to time, as may be required. All members of the educational advisory committee shall serve without compensation or fees.

HISTORY: 1962 Code § 21-725; 1965 (54) 269.

§ 59–57–60. Records; annual report.

The Commission shall keep accurate and detailed records of its meetings and actions and shall, as soon after June thirtieth of each year as is feasible, submit a written report to the legislative delegation from each county which shall include an accounting of all funds the Commission may have received and disbursed in the twelve months preceding that date.

HISTORY: 1962 Code § 21-726; 1965 (54) 269.

AIKEN

(R156, H1249)

No. 103

An Act To Create The Aiken County Commission For Higher Education And To Make Provision For Its Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Aiken County Commission for Higher Education created—members—officers—advisory committee.—There is hereby created the Aiken County Commission for Higher Education. This body, hereinafter called the Commission, shall be composed of eight members who shall be appointed by the Governor on the recommendation of a majority of the Aiken County Legislative Delegation, including the Senator. The commissioners shall be appointed for terms of four years each and shall serve until their successors shall have been appointed and qualify; *provided*, that four of the eight commissioners initially appointed shall be appointed for a term of two years, with their successors to be appointed thereafter for full four-year terms.

The Superintendent of Education for Aiken County shall, by virtue of his office, be an ex officio member of the Commission, and shall be entitled to vote as other members.

At their first meeting the commissioners shall elect a chairman, vice-chairman, secretary, and treasurer from among their members and proceed to organize and adopt such rules and procedures as may seem desirable to carry out their duties.

To facilitate its work the Commission is hereby authorized to appoint from Aiken County, and from such adjacent areas as deemed appropriate, an Educational Advisory Committee consisting of not less than ten nor more than fifteen members which shall meet and consult with the Commission from time to time, as may be required. All members of the Commission and of the Educational Advisory Committee shall serve without compensation or fees.

SECTION 2. Meetings.—The Commission may meet at such times and in such places as to the majority of the members seems most desirable. Meetings shall be called by the chairman of the Commission; *provided*, that in the event the chairman is unable or unwilling to call a meeting, the Commission can be called into session on the written request and signatures of three members.

SECTION 3. Purpose.—The Commission shall have as its purpose the encouragement of higher education in Aiken County and adjacent areas and, more specifically, the establishment in Aiken County of facilities to offer standard freshman and sophomore college courses, and such other courses as deemed desirable. The Commission shall establish standards for the admission of persons to such courses.

SECTION 4. Powers and duties.—To carry out this purpose and objective the Commission, with the approval of a majority of its members, shall be empowered to enter into contracts, make binding agreements, negotiate with educators and educational institutions and, generally, to take such actions in its name as are necessary to secure for Aiken County and adjacent areas the educational facilities above described; *provided*, that the County of Aiken shall not be bound nor held liable for any acts of omission or commission of the Commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of a majority of the Aiken County Legislative Delegation, including the Senator.

The Commission may solicit funds and accept donations from various sources which it may expend in carrying out its objective.

SECTION 5. Records and reports.—The Commission shall keep accurate and detailed records of its meetings and actions and shall, as soon after June thirtieth of each year as is feasible, submit a written report to the Aiken County Legislative Delegation which shall include an accounting of all funds the Commission may have received and disbursed in the twelve months preceding that date.

SECTION 6. Repeal.—All acts or parts of acts inconsistent herewith are repealed.

SECTION 7. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of March, 1961.

(R356, H3110) **No. 269**

An Act To Amend Section 21-1099.4, Code Of Laws Of South Carolina, 1962, Relating To The Powers And Duties Of The Aiken County Commission For Higher Education, So As To Authorize The Commission To Sell, Mortgage, Liquidate Or Otherwise Dispose Of Any Real Or Personal Property Devised, Donated Or Otherwise Given To It.

Be it enacted by the General Assembly of the State of South Carolina:

Powers and duties

SECTION 1. Section 21-1099.4 of the 1962 Code is amended by striking beginning on line six of the first paragraph: "; *provided*, that the county of Aiken shall not be bound nor held liable for any acts of omission or commission of the Commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of a majority of the Aiken County legislative delegation, including the Senator" and by adding at the end of the second paragraph: "The Commission shall also be authorized to sell, mortgage, liquidate or otherwise dispose of any real or personal property devised, donated, acquired or otherwise given to the Commission or to any institution over which the Commission has jurisdiction." The section when amended shall read:

"Section 21-1099.4. To carry out its purpose and objective the Commission, with the approval of a majority of its members, may enter into contracts, make binding agreements, negotiate with educators and educational institutions and, generally, take such actions in its name as are necessary to secure for Aiken County and adjacent areas the educational facilities described in Section 21-1099.3.

The Commission may solicit funds and accept donations from various sources which it may expend in carrying out its objective. The Commission shall also be authorized to sell, mortgage, liquidate or otherwise dispose of any real or personal property devised, donated, acquired or otherwise given to the Commission or to any institution over which the Commission has jurisdiction."

Time effective

SECTION 2. This act shall take effect upon approval by the Governor.

Approved the 28th day of June, 1977.

(R532, S865) **No. 697**

An Act To Amend Act 103 Of 1961, Relating To The Aiken County Commission For Higher Education, So As To Add One Appointive Member And The District Superintendent Of Education And Chairman Of The Aiken County Technical Education Commission As Ex Officio Members.

Be it enacted by the General Assembly of the State of South Carolina:

Aiken County Commission for Higher Education

SECTION 1. The first and second paragraphs of Section 1 of Act 103 of 1961 are amended to read:

"There is hereby created the Aiken County Commission for Higher Education. This body, hereinafter called the Commission, shall be composed of nine members who shall be appointed by the Governor on the recommendation of a majority of the Aiken County Legislative Delegation, including the Senators. The commissioners shall be appointed for terms of four years each and shall serve until their successors shall have been appointed and qualify.

In addition to the appointed members of the Commission, the District Superintendent of Education for Aiken County and the Chairman of the Aiken County Technical Education Commission shall be ex officio members of the Commission, with all powers of appointed members including the right to vote."

Time effective

SECTION 2. This act shall take effect upon approval by the Governor.

Approved the 17th day of April, 1978.

Beaufort

(R160, H1333) No. 90

An Act To Create The Beaufort County Higher Education Commission And To Set Forth Its Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Beaufort County Higher Education Commission created — members — terms — officers — meetings.—There is hereby created the Beaufort County Higher Education Commission. The commission shall be composed of three members who shall be appointed by the Governor upon the recommendation of a majority of the members of the Beaufort County Legislative Delegation. The members of the commission shall serve for a term of two years or until their successors have been appointed and qualified. Not more than two weeks after its appointment the commission shall meet and elect a chairman and a secretary from among its membership, and organize further as it may desire. The commission may meet at such times as it may deem necessary, such meetings to be called by the chairman, or upon the written request of two of its members.

SECTION 2. Powers and duties—Advisory Board.—The commission, upon the approval of a majority of its members, may enter into contracts with any institutions of higher learning upon such terms and conditions as may be mutually acceptable to the commission and any such institution of higher learning, for the establishment and operation of an educational center to be a branch of such institution at Beaufort, South Carolina. The commission may obligate itself for the expenditure of a sum for the purposes of this act in an amount not to exceed that which is appropriated by law. The commission may bind itself for the furnishing of suitable facilities and accommodations, for the educational center, when by written prior agreement, it has obtained permission for the furnishing thereof from the authority, agency or board having control of such accommodations. The commission is authorized to accept such gifts as may be appropriate to carry out the provisions of this act. The commission shall appoint a group of not less than five nor more than fifteen interested persons from Beaufort County and the surrounding area, who shall be known as the Beaufort County Higher Education Advisory Board, who may act in an advisory capacity to the commission. Three of the persons so appointed shall be appointed only upon the recommendation of a majority of the Beaufort County Legislative Delegation. The commission shall submit a written report to the Beaufort County Legislative Delegation at least once a year in which it must show an accounting of all funds under the control of the commission.

SECTION 3. Reports.—The commission shall as soon as practicable investigate the steps necessary for the establishment and operation of the educational facilities contemplated by this act and shall make a report to the Beaufort County Legislative Delegation setting forth its findings and recommendations including its findings and recommendations as to budgetary needs. The report required hereby shall be submitted not later than April 15, 1959. Thereafter, the commission shall submit a written annual report to the Beaufort County Legislative Delegation which report shall include a statement of all receipts and disbursements not previously reported and a statement of its estimated financial needs for the ensuing year.

SECTION 4. Repeal.—All acts or parts of acts inconsistent herewith are repealed.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 25th day of March, 1959.

(R380, H1919) **No. 556**

An Act To Amend Act No. 90 Of 1959 Relating To The Beaufort County Higher Education Commission, So As To Increase The Membership Of Such Commission.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1 of Act 90 of 1959, amended—Beaufort County Higher Education Commission created—members—terms—officers—meetings.—Section 1 of Act No. 90 of 1959 is amended to read as follows:

"Section 1. There is hereby created the Beaufort County Higher Education Commission. The commission shall be composed of five members who shall be appointed by the Governor upon the recommendation of a majority of the members of the Beaufort County Legislative Delegation. The members of the commission shall serve for a term of two years or until their successors have been appointed and qualified. Not more than two weeks after its appointment the commission shall meet and elect a chairman and a secretary from among its membership, and organize further as it may desire. The commission may meet at such times as it may deem necessary, such meetings to be called by the chairman, or upon the written request of three of its members."

SECTION 2. Appointment and terms of new members.—The two additional members provided for under the provisions of this act shall be appointed as soon as is practicable after the effective date of this act. They shall serve for terms of two years commencing with the date of their appointments.

SECTION 3. Repeal.—All acts or parts of acts inconsistent herewith are repealed.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of February, 1960.

(R217, H1390) **No. 157**

An Act To Amend Section 21-1432, Code Of Laws Of South Carolina, 1962, Relating To The Powers And Duties Of The Beaufort County Higher Education Commission, So As To Grant Additional Powers.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 21-1432 amended—powers and duties.—Section 21-1432 of the Code of 1962 is amended by inserting after the sentence ending with "article" on line fourteen the following: "The Commission may hold title to real and personal property. The Commission may borrow funds and may receive grants." When so amended, the section shall read:

"Section 21-1432. The Commission, upon the approval of a majority of its members, may enter into contracts with any institutions of higher learning upon such terms and conditions as may be mutually acceptable to the Commission and any such institution of higher learning, for the establishment and operation of an educational center to be a branch of such institution at Beaufort. The Commission may obligate itself for the expenditure of a sum for the purposes of this article in an amount not to exceed that which is appropriated by law. The Commission may bind itself for the furnishing of suitable facilities and accommodations, for the educational center, when by written prior agreement, it has obtained permission for the furnishing thereof from the authority, agency or board having control of such accommodations. The Commission is authorized to accept such gifts as may be appropriate to carry out the provisions of this article. The Commission may hold title to real and personal property. The Commission may borrow funds and may receive grants. The Commission shall appoint a group of not less than five nor more than fifteen interested persons from Beaufort County and the surrounding area, who shall be known as the Beaufort County Higher Education Advisory Board, who may act in an advisory capacity to the Commission. Three of the persons so appointed shall be appointed only upon the recommendation of a majority of the Beaufort County legislative delegation."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 26th day of March, 1965.

No. 257

(R176, S608)

AN ACT TO AMEND ACT 90 OF 1959, AS AMENDED, RELATING TO THE BEAUFORT COUNTY HIGHER EDUCATION COMMISSION, SO AS TO INCREASE THE MEMBERSHIP OF THE COMISSION FROM FIVE TO SEVEN MEMBERS.

Be it enacted by the General Assembly of the State of South Carolina:

Higher Education Commission created

SECTION 1. Section 1 of Act 90 of 1959, as last amended by Act 556 of 1960, is amended to read:

"Section 1. There is created the Beaufort County Higher Education Commission. The commission is composed of seven members who are appointed by the Governor upon the recommendation of a majority of the members of the Beaufort County Legislative Delegation. The members of the commission shall serve for a term of two years or until their successors have been appointed and qualified. Not more than two weeks after its appointment, the commission shall meet and elect a chairman and a secretary from among its membership and organize further as it may desire. The commission may meet at such times as it considers necessary, the meetings to be called by the chairman or upon the written request of three of its members."

Additional members

SECTION 2. The two additional members provided for under the provisions of this act must be appointed as soon as practicable after the effective date of this act. They shall serve for terms of two years commencing with the date of their appointments.

Time effective

SECTION 3. This act shall take effect upon approval by the Governor.

Approved the 31st day of May, 1985.

Cherokee

(R784, H2025)

No. 763

An Act To Create The Cherokee County Commission For Higher Education And To Make Provision For Its Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Cherokee County Commission for Higher Education created.—There is hereby created the Cherokee County Commission for Higher Education. This body, hereinafter called the commission, shall be composed of seven members who shall be appointed by the Governor on the recommendation of a majority of the Cherokee County Legislative Delegation. The commissioners shall be appointed for terms of four years each and shall serve until their successors shall have been appointed and qualify; *provided*, that three of the seven commissioners initially appointed shall be appointed for terms of two years, with their successors to be appointed thereafter for full four-year terms.

At their first meeting the commissioners shall elect a chairman, vice-chairman, secretary and treasurer from among their members and proceed to organize and adopt such rules and procedures as may seem desirable to carry out their duties.

To facilitate its work the commission is hereby authorized to appoint from Cherokee County, and from such adjacent areas as deemed appropriate, an Educational Advisory Committee consisting of not less than ten nor more than fifteen members which shall meet and consult with the commission from time to time, as may be required. All members of the commission and of the Educational Advisory Committee shall serve without compensation or fees.

SECTION 2. Meetings.—The commission may meet at such times and in such places as to the majority of the members seems most desirable. Meetings may be called by the chairman of the commission or on the written request and signatures of three members.

SECTION 3. Purpose.—The commission shall have as its purpose the encouragement of higher education in Cherokee County and adjacent areas and, more specifically, the establishment in Cherokee County of facilities to offer standard freshman and sophomore college courses, and such other courses as deemed desirable.

SECTION 4. Powers and duties.—To carry out this purpose and objective, the commission, with the approval of a majority of its members, shall be empowered to enter into contracts, make binding agreements, negotiate with educators and educational institutions and, generally, to take such actions in its name as are necessary to secure for Cherokee County and adjacent areas the educational facilities above-described; *provided*, that the County of Cherokee shall not be bound nor held liable for any acts of omission or commission of the commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of a majority of the Cherokee County Legislative Delegation.

The commission may solicit funds and accept donations from various sources which it may expend in carrying out its objective.

SECTION 5. Records and report.—The commission shall keep accurate and detailed records of its meetings and actions and shall, as soon after June thirtieth of each year as is feasible, submit a written report to the Cherokee County Legislative Delegation and file a copy of such report in the office of the clerk of court, which report shall include an accounting of all funds the commission may have received and disbursed in the twelve months preceding that date.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

Chesterfield

(R108, S90)

No. 54

An Act To Create The Chesterfield County Commission For Higher Education.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chesterfield County Commission for Higher Education created.—There is hereby created the Chesterfield County Commission for Higher Education, hereinafter called the Commission, which shall be composed of seven members.

The Commission shall consist of one member from each of the six school districts of Chesterfield County who shall be appointed by the Governor upon the written recommendation of a majority of the respective local school district board of trustees of the county. Each of the six respective local school district board of trustees shall recommend one person for membership on the Commission, and such person must reside within the school district he represents. The commissioners shall be appointed for terms of four years and until their successors are appointed and qualify. Any vacancy shall be filled in the manner of the original appointment for the unexpired portion of the term only.

The Superintendent of Education for Chesterfield County shall, by virtue of his office, be an ex officio member of the Commission and shall be the secretary and treasurer of the Commission, and shall be entitled to vote as other members.

At their first meeting the commissioners shall elect a chairman and vice chairman from among their members and proceed to organize and adopt such rules and procedures as may seem desirable to carry out their duties. All members of the commission shall serve without compensation or fees.

SECTION 2. Meetings.—The Commission may meet at such times and at such places as seems most desirable to a majority of the members. Meetings shall be called by the chairman of the Commission; *provided,* that in the event the chairman is unable or unwilling to call a meeting, the Commission can be called into session on the written request and signatures of three members.

SECTION 3. Duties.—The Commission shall have as its purpose the encouragement of higher education in Chesterfield County and adjacent areas and, more specifically, the establishment in Chesterfield County of an extension division of Clemson College or the University of South Carolina or any of the other state supported institutions of higher learning by establishing facilities to offer standard freshman and sophomore college courses, and such other courses as deemed desirable. The Commission shall establish standards for the admission of persons to such courses. The Commission shall seek the advice of such persons as may be necessary to carry out the purposes of this act.

SECTION 4. Duties and powers further.—To carry out its purposes and objectives the Commission, with the approval of a majority of its members, shall be empowered to enter into contracts, make binding agreements, negotiate with educators and educational institutions and, generally, to take such action in its name as is necessary to secure for Chesterfield County and adjacent areas the educational facilities described by this act; *provided,* that Chesterfield County shall not be bound nor held liable for any acts of omission or commission of the Commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of a majority of the Chesterfield County Legislative Delegation; *provided,* further, that the location of the site of such educational facilities shall be determined by the majority vote of the qualified electors of Chesterfield County at a special, primary or general election held in the County of Chesterfield.

The Commission may solicit funds and accept donations from various sources which it may expend in carrying out the purposes of this act.

SECTION 5. Records and report.—The Commission shall keep accurate and detailed records of its meetings and actions and shall, as soon after June thirtieth of each year as is feasible, submit a written report to the Chesterfield County Legislative Delegation which shall include an accounting of all funds the Commission may have received and disbursed in the twelve months preceding that date.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of March, 1963.

Colleton

(R912, S396)

No. 829

An Act To Create The Colleton County Higher Education Commission.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Colleton County Higher Education Commission created.—There is hereby created the Colleton County Higher Education Commission. The Commission shall be composed of five members who shall be appointed by the Governor upon the recommendation of a majority of the members of the legislative delegation representing Colleton County. The members of the Commission shall serve for a term of two years or until their successors have been appointed and qualify. Not more than two weeks after its appointment, the Commission shall meet and elect a chairman and secretary from among its membership and organize further as it may desire. The Commission may meet at such times as it may deem necessary, such meetings to be called by the chairman or upon the written request of three of its members.

SECTION 2. Powers and duties—advisory board.—The Commission, upon the approval of a majority of its members, may enter into contracts with any institutions of higher learning, upon such terms and conditions as may be mutually acceptable to the Commission and any such institution of higher learning, for the establishment and operation of an educational center to be a branch of such institution at Walterboro. The Commission may obligate itself for the expenditure of a sum for the purposes of this act in an amount not to exceed that which is appropriated by law. The Commission may bind itself for the furnishing of suitable accommodations and facilities for the educational center when, by written prior agreement, it has obtained permission for the furnishing thereof from the authority, agency or board having control of such accommodations. The Commission is authorized to accept such gifts as may be appropriate to carry out the provisions of this act. The Commission may hold title to real and personal property and may borrow funds and receive grants. The Commission shall appoint a group of not less than five nor more than fifteen interested persons in Colleton County and the surrounding area, who shall be known as the Colleton County Higher Education Advisory Board, who may act in an advisory capacity to the Commission. Three of the persons so appointed shall be appointed only upon the recommendation of a majority of the legislative delegation representing Colleton County.

SECTION 3. Annual report.—Thereafter, the Commission shall submit a written annual report to the legislative delegation representing Colleton County, which report shall show an accounting of all funds under the control of the Commission and shall include a statement of all receipts and disbursements not previously reported and a statement of its estimated financial needs for the ensuing year.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

Fairfield

(R705, H2248) **No. 632**

An Act To Create The Fairfield County Commission For Higher Education And To Make Provision For Its Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Fairfield Commission for Higher Education created—members—terms—officers—Advisory Committee.—There is hereby created the Fairfield County Commission for Higher Education. This body, hereinafter called the Commission, shall be composed of seven members who shall be appointed by the Governor on the recommendation of the Fairfield County Legislative Delegation, including the Senator. The commissioners shall be appointed for terms of four years each and shall serve until their successors shall have been appointed and qualify; *provided,* that three of the seven commissioners initially appointed shall be appointed for a term of two years, with their successors to be appointed thereafter for full four-year terms.

The Superintendent of Education for Fairfield County shall, by virtue of his office, be an ex officio member of the Commission.

At their first meeting the commissioners shall elect a chairman, vice-chairman, secretary, and treasurer from among their members and proceed to organize and adopt such rules and procedures as may seem desirable to carry out their duties.

To facilitate its work the Commission is hereby authorized to appoint from Fairfield County, and from such adjacent areas as deemed appropriate, an Educational Advisory Committee consisting of not less than ten nor more than fifteen members which shall meet and consult with the Commission from time to time, as may be required. All members of the Commission and of the Educational Advisory Committee shall serve without compensation or fees.

SECTION 2. Meetings.—The Commission may meet at such times and in such places as to the majority of the members seems most desirable. Meetings shall be called by the chairman of the Commission; *provided*, that in the event the chairman is unable or unwilling to call a meeting, the Commission can be called into session on the written request and signatures of three members.

SECTION 3. Purpose.—The Commission shall have as its purpose the encouragement of higher education in Fairfield County and adjacent areas and, more specifically, the establishment in Fairfield County of facilities to offer standard freshman and sophomore college courses, and such other courses as deemed desirable. The Commission shall establish standards for the admission of persons to such courses.

SECTION 4. Powers and duties.—To carry out this purpose and objective the Commission, with the approval of a majority of its members, shall be empowered to enter into contracts, make binding agreements, negotiate with educators and educational institutions and, generally, to take such actions in its name as are necessary to secure for Fairfield County and adjacent areas the educational facilities above described; *provided*, that the County of Fairfield shall not be bound nor held liable for any acts of omission or commission of the Commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of the Fairfield County Legislative Delegation, including the Senator.

The Commission may solicit funds and accept donations from various sources which it may expend in carrying out its objective.

SECTION 5. Records and report.—The Commission shall keep accurate and detailed records of its meetings and actions and shall, as soon after June thirtieth of each year as is feasible, submit a written report to the Fairfield County Legislative Delegation which shall include an accounting of all funds the Commission may have received and disbursed in the twelve months preceding that date.

SECTION 6. Repeal.—All acts or parts of acts inconsistent herewith are repealed.

SECTION 7. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 31st day of March, 1960.

Florence

(R400, H1584) No. 275

An Act To Create The Florence County Higher Education Commission, To Provide Its Powers And Duties, And To Provide Funds Therefor.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Florence County Higher Education Commission created—members—terms—officers—meetings—There is hereby created the Florence County Higher Education Commission. The commission shall be composed of five members who shall be appointed by the Governor upon the recommendation of the Senator and a majority of the members of the House of Representaives from Florence County. The members of the commission shall serve for a term of two years or until their successors have been appointed and qualified; *provided*, however, the first term of three of such members shall be for a period of only one year. After the appointment of all five members to the commission, it shall meet and elect a chairman and a secretary from among its membership, and organize further as it may desire. The County Superintendent of Education of Florence County and the superintendents of each of the four school districts in Florence County shall serve as ex officio members of the commission. Notice of all meetings of the commission shall be given to such ex officio members with an invitation to attend. The meetings of the commission shall be held in the office of the county superintendent of education. The commission may meet at such times as it may deem necessary, such meetings to be called by the chairman, or upon the written request of at least three of its members.

SECTION 2. Powers and duties.—The commission, upon the approval of a majority of its members, may enter into contracts with the University of South Carolina, upon such terms and conditions as may be mutually acceptable to the commission and the University, for the establishment and operation of a University of South Carolina Extension Center at Florence, South Carolina. The County of Florence, however, shall not be bound or held liable by any act of omission or commission of the Higher Education Commission, or by any provision of a contract expressed or implied made by the commission except as follows: (A) The commission may obligate itself for the expenditure of a sum for the purposes of this act in an amount not to exceed that which is appropriated by the Florence County Legislative Delegation. (B) The commission may bind itself for the furnishing of suitable facilities and accommodations, for the extension center, when by written prior agreement, it has obtained permission for the furnishing thereof from the authority, agency or board having control of such accommodations. The commission is authorized to accept such gifts as may be appropriate to carry out the provisions of this act. The commission shall select and appoint a group of not less than fifteen interested persons from Florence County and the surrounding area, who shall be known as the University of South Carolina Extension Center Committee, who may act in an advisory capacity to the commission. The commission shall submit a written report to the Florence County Legislative Delegation at least once a year in which it must show an accounting of all funds under the control of the commission.

SECTION 3. Appropriation—tax levy.—For the fiscal year 1957-58, the sum of twenty thousand dollars is hereby appropriated to the Florence County Higher Education Commission for the purposes herein mentioned; *provided*, that only so much of these funds as may be required for the carrying out of such purposes be used, the remainder of such funds as are not used by July 1, 1958, shall revert to the general funds of Florence County. The Audtior of Florence County shall levy and the Treasurer shall collect one mill upon all taxable property within the county, in order to provide the funds necessary to carry out the provisions of this act.

SECTION 4. Repeal.—All acts or parts of acts inconsistent herewith are repealed.

SECTION 5. Time effectve.—This act shall take effect upon approval by the Governor.

Approved the 15th day of May, 1957.

(R992, H2364) No. 889

An Act To Amend Section 21-2701, Code Of Laws Of South Carolina, 1962, Relating To The Florence County Higher Education Commission, So As To Increase The Ex Officio Members Of The Commission.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 21-2701 amended—Florence County Higher Education Commission created.—Section 21-2701 of the 1962 Code is amended on line eleven by striking the word "four" and inserting "five". The section when amended shall read as follows:

"Section 21-2701. There is hereby created the Florence County Higher Education Commission. The Commission shall be composed of five members, who shall be appointed by the Governor upon the recommendation of the Senator and a majority of the members of the House of Representatives from Florence County. The members of the Commission shall serve for a term of two years or until their successors have been appointed and qualified; *provided*, however, the first term of three of the members shall be for a period of only one year. The Commission shall elect a chairman and a secretary from among its membership, and organize further as it may desire. The county superintendent of education of Florence County and the superintendents of each of the five school districts in Florence County shall serve as ex officio members of the Commission. Notice of all meetings of the Commission shall be given to such ex officio members with an invitation to attend. The meetings of the Commission shall be held in the office of the county superintendent of education. The Commission may meet at such times as it may deem necessary, such meetings to be called by the chairman, or upon the written request of at least three of its members."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of April, 1966.

Georgetown

(R158, H1419) No. 110

An Act To Create The Georgetown County Commission For Higher Education And To Make Provision For Its Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Georgetown County Commission for Higher Education created.—There is hereby created the Georgetown County Commission for Higher Education. This body, hereinafter called the Commission, shall be composed of six members. Five shall be appointed by the Governor on the recommendation of a majority of the Georgetown County delegation, including the resident Senator, if any. The commissioners shall be appointed for terms of four years each and shall serve until their successors shall have been appointed and qualify; *provided,* that two of the five commissioners initially appointed shall be appointed for terms of two years, with the successors to be appointed thereafter for full four-year terms.

The Superintendent of Education for Georgetown County shall be an ex officio member of the Commission without voting power.

At their first meeting the commissioners shall elect a chairman, vice-chairman, secretary and treasurer from among their members and proceed to organize and adopt such rules and procedures as may seem desirable to carry out their duties.

SECTION 2. Meetings.—The Commission may meet at such times and in such places as to the majority of the members seems most desirable. Meetings may be called by the chairman of the Commission or on the written request and signatures of three members.

SECTION 3. Duties.—The Commission shall have as its purpose the encouragement of higher education in Georgetown County and adjacent areas and, more specifically the establishment in Georgetown County of facilities to offer standard freshman and sophomore college courses, and such other courses as deemed desirable.

SECTION 4. Powers.—To carry out this purpose and objective, the Commission, with the approval of a majority of its members, shall be empowered to enter into contracts, making binding agreements, negotiate with educators and educational institutions and, generally, to take such actions in its name as are necessary to secure for Georgetown County and adjacent areas the educational facilities above described; *provided,* that the County of Georgetown shall not be bound nor held liable for any acts of omission or commission of the Commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of a majority of the members of the House of Representatives from Georgetown County and the Senators representing the district in which Georgetown County is located.

The Commission may solicit funds and accept donations from various sources which it may expend in carrying out its objective, and may acquire, own and hold title to real and personal properties for use in connection with the objectives of the Commission.

SECTION 5. Records and report.—The Commission shall keep accurate and detailed records of its meetings and actions and shall, as soon after June thirtieth of each year as is feasible, submit a written report to the members of the House of Representatives from Georgetown County and the Senators representing the district in which Georgetown County is located, which shall include an accounting of all funds the Commission may have received and disbursed in the twelve months preceding that date.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1967.

(R568, H2037)

No. 416

An Act To Amend Act 110 Of 1967, Relating To The Georgetown County Commission For Higher Education, So As To Increase The Number Of Members Of The Board.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Georgetown County Commission for Higher Education.—Section 1 of Act 110 of 1967 is amended by striking on line three "six" and inserting "thirteen"; by striking on line three "Five" and inserting "Twelve"; and by striking beginning on line eight "; *provided*, that two of the five commissioners initially appointed shall be appointed for terms of two years, with the successors to be appointed thereafter for full four-year terms". The section when amended shall read:

"Section 1. There is hereby created the Georgetown County Commission for Higher Education. This body, hereinafter called the Commission, shall be composed of thirteen members. Twelve shall be appointed by the Governor on the recommendation of a majority of the Georgetown County delegation, including the resident Senator, if any. The commissioners shall be appointed for terms of four years each and shall serve until their successors shall have been appointed and qualify.

The Superintendent of Education for Georgetown County shall be an ex officio member of the Commission without voting power.

At their first meeting the commissioners shall elect a chairman, vice-chairman, secretary and treasurer from among their members and proceed to organize and adopt such rules and procedures as may seem desirable to carry out their duties.

All members of the Commission shall serve without compensation or fees."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 17th day of June, 1971.

Horry

(R203, H1440)

No. 114

An Act To Create The Horry County Higher Education Commission, To Provide Its Powers And Duties, And To Provide Funds Therefor.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Horry County Higher Education Commission, created—members—terms—officers—meetings.—There is hereby created the Horry County Higher Education Commission. The Commission shall be composed of sixteen members who shall be appointed by the Governor upon the recommendation of the Senator and a majority of the members of the House of Representatives from Horry County whose recommendation shall be based upon nominations provided for by this section. One member shall be appointed from each of the eight attendance areas in Horry County to serve for terms of four years, or until their successors are appointed and qualified, except that of the members first appointed two shall serve for one year, two shall serve for two years, two shall serve for three years and two shall serve for four years, with each succeeding appointee serving for the full four year term. Eight members shall be appointed at large from the county without geographical limitation to serve for terms of four years, or until their successors are appointed and qualified, except that of the members first appointed two shall serve for one year, two shall serve for two years, two shall serve for three years, and two shall serve for four years, with each succeeding appointee serving the full term of four years. After the appointment of all sixteen members to the Commission, it shall meet and elect a chairman and a secretary from among its membership, and organize further as it may desire. The County Superintendent of Education of Horry County and the superintendents of each of the eight attendance areas in Horry County shall serve as ex officio members of the Commission. Notice of all meetings of the Commission shall be given to such ex officio members with an invitation to attend. The meetings of the Commission shall be held in the office of the county superintendent of education. The Commission may meet at such times as it may deem necessary, such meetings to be called by the chairman, or upon the written request of at least nine of its members; *provided*, that the present members of the Coastal Educational Foundation, Inc., an eleemosynary corporation, shall be appointed as the first members of the Horry County Higher Education Commission. The Commission shall be self-perpetuating, in that appointment of succeeding members to the Commission shall be made by the nomination of a majority of the members of the Commission to the Senator and House Members of the Delegation who shall recommend such appointment to the Governor. No member shall receive any compensation for serving on the Commission.

SECTION 2. Powers and duties.—The Commission, upon the approval of a majority of its members, may enter into contracts with institutions of higher learning, upon such terms and conditions as may be acceptable to the Commission, for the operation of a school or schools of higher learning in Horry County. The County of Horry, however, shall not be bound or held liable by any act of omission or commission of the Horry County Higher Education Commission or by any provision of a contract expressed or implied by the Commission except as follows: (A) The Commission may obligate itself for an expenditure of a sum for the purposes of this act in an amount not to exceed that which is provided by this act. (B) The Commission may bind itself for the purpose of furnishing suitable facilities and accommodations for such school or schools of higher learning by construction, or by contract with the appropriate authority or agency having control of existing facilities and accommodations. (C) The Commission is authorized to obligate the tax income derived from the three mill tax levy hereinafter provided for the purpose of the sale of bonds or any other means of borrowing funds as may be necessary in financing the construction of necessary facilities and accommodations, and for any other necessary expenditure in carrying out the provisions of this act. The Commission is authorized to accept such gifts as may be appropriate to carry out the provisions of this act. The Commission may select and appoint a group of interested persons from Horry County and the surrounding area, who shall be known as the Higher Education Advisory Committee, who may act in an advisory capacity to the Commission. The Commission shall have an annual audit made by a certified public accountant, which audit shall be kept on file in the office of the Commission and shall be available for public inspection and shall show an accounting of all funds under the control of the Commission.

SECTION 3. Tax levy.—The Auditor of Horry County shall levy and the Treasurer shall collect three mills upon all taxable property within the county. The proceeds of such levy shall be paid over to the Commission to be used in carrying out the provisions of this act.

SECTION 4. Repeal.—All acts or parts of acts inconsistent herewith are repealed.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 9th day of April, 1959.

(R966, H2484)

No. 838

An Act To Amend Act 114 Of 1959, Relating To The Horry County Higher Education Commission, So As To Further Provide For The Use Of The Three Mill Levy Contained Therein And To Authorize Borrowing Against The Levy.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 3 of Act 114 of 1959 amended—disposition of tax levy—commission may borrow money—payment—real estate transactions.—Section 3 of Act 114 of 1959 is amended by adding at the end thereof the following:

"(A) Upon written request or requisition by the Chairman of the Horry County Higher Education Commission, the Treasurer of Horry County shall pay over to the commission from time to time any of the proceeds of the levy which may be on hand except a sufficient amount to retire any obligation created under the provisions of this act. The commission may pay over to the Horry County Scholarship Board such sums as it deems advisable for scholarship purposes as such funds become available, exclusive of such funds as are necessary to meet outstanding obligations.

(B) The Horry County Higher Education Commission may borrow money to be used for school construction purposes through the fiscal year ending June 30, 1977 in such amounts as may be required from time to time, not to exceed in the aggregate, including principal, interest and costs of such borrowing, such amounts as the Treasurer of Horry County shall certify may reasonably be anticipated to be thereafter collected from the three mill levy provided in this section through the fiscal year ending June 30, 1977. Notes or other obligations shall be executed and delivered as evidence of such borrowing; they shall be signed by the chairman of the commission and countersigned by the treasurer whose countersignature shall be a sufficient certification to any holder of such obligation that it is authorized by this act; the rates of interest may be fixed by the commission and the treasurer, subject only to the restriction that no such obligation shall mature later than June 30, 1977; and the obligations when issued shall be and constitute legal and binding obligations of Horry County. The total amounts borrowed under this act may be greater than the limitation imposed herein, but the commission and the treasurer shall at no time have outstanding obligations in excess of the amount which may reasonably be anticipated to be collected from the three mill levy prior to and including June 30, 1977.

(C) The special levy provided in this section and subject to the further provisions herein provided, together with the full faith, credit and taxing power of Horry County, is irrevocably pledged to the payment of all obligations issued pursuant to this act.

(D) Obligations issued pursuant to this act are exempted from the payment of all county, State and municipal taxes.

(E) The Horry County Higher Education Commission, in addition to such authority as is hereinabove provided, may buy, sell, lease, manage and mortgage real estate, or otherwise hold title or deal with real estate as may within its discretion be necessary in carrying out the provisions of this act."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 30th day of March, 1962.

(R233, H1402) No. 131

An Act To Amend Sections 21-3071, 21-3073 And 21-3074 Of The 1962 Code, Relating To The Horry County Higher Education Commission, So As To Further Define Its Membership, Power And Function.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly notes that a determined effort has been made in Horry County to promote an institution of higher learning which would provide educational facilities to residents of Horry County beyond those available in the public schools of Horry County. Such effort has been promoted by the Coastal Educational Foundation, Inc., an eleemosynary corporation chartered on October 19, 1954, and by the Horry County Higher Education Commission.

It is found that a need exists for physical facilities in which an appropriate institution of higher learning can function, and being mindful that under the provisions of Section 6 of Article X of the State Constitution it may authorize Horry County to incur bonded debt for educational purposes, the General Assembly has determined to provide a means by which an appropriate building can be constructed and equipped and thereafter leased to and operated by either of Coastal Educational Foundation, Inc., or such other agency as may hereafter be authorized by the General Assembly to function in such field. It wishes, however, to maintain an element of control over the use of any building constructed for such purposes, in order to insure its functioning under conditions best suited for the promotion of higher education in Horry County, and, in order that, if it shall hereafter be determined that the building whose construction and equipping is herewith authorized shall not be utilized in such a manner as to best promote higher education for residents of the county, the building may henceforth be devoted to other educational or county purposes. To that end it has determined to redefine the membership of the Commission and to redefine its functions and powers.

SECTION 2. Section 21-3071, 1962 Code, amended—Horry County Higher Education Commission created.—Section 21-3071 of the 1962 Code is amended to read as follows:

"Section 21-3071. There is hereby created the Horry County Higher Education Commission. The Commission shall be composed of sixteen members who shall be appointed by the Governor upon the recommendation of a majority of the county legislative delegation, including the Senator. The initial membership shall hold office for terms ending upon the dates set opposite their names, as follows:

Name of Member	*Date of Expiration of Term*
Joseph Holliday	July 1, 1963
E. C. Wall	July 1, 1963
E. E. Prince	July 1, 1963
C. A. Spivey	July 1, 1963
J. C. Hipp	July 1, 1964
D. W. Green, Jr.	July 1, 1964
Lloyd Causey	July 1, 1964
M. B. Gilreath	July 1, 1964
E. H. Carmichael	July 1, 1965
Mrs. W. E. Cameron	July 1, 1965
E. F. Southern	July 1, 1965
George Lovell	July 1, 1965
James Blanton	July 1, 1966
Charles Tilghman	July 1, 1966
T. W. Anderson	July 1, 1966
R. C. Smith	July 1, 1966

Thereafter, upon the expiration of the terms of office of the present members, successors shall be appointed for terms of four years, provided always that there shall be at least one member from each of the eight public school attendance areas in the county. In the event of any vacancy, a successor shall be appointed for the balance of the unexpired term, but all members of the Commission shall hold office until their successors have been appointed and shall qualify. No member of the Commission shall receive any compensation for serving on the Commission. The Commission shall at all times have a chairman, vice-chairman, and a secretary elected from its appointed membership."

SECTION 3. Section 21-3073, 1962 Code, amended—powers and duties.—Section 21-3073 of the 1962 Code is amended to read as follows:

"Section 21-3073. The immediate function of the Commission shall be the constructing and equipping of a suitable building which shall be designed in such manner as to be suitable for classroom and the related activities of an institution of higher learning. The Commission shall first acquire in fee simple an appropriate site and thereafter shall take such steps as may be necessary for the construction and equipping of such a building thereon. It shall determine the best available method by which the building may be utilized for the promotion of higher education for residents of the county and if it concludes that the institution now operated by the Coastal Educational Foundation, Inc. provides the best opportunity for the advancement of higher education in the county, then it may lease the building to such corporation. The Commission shall be empowered:

(1) To adopt and use a corporate seal.

(2) To sue and be sued.

(3) To adopt such bylaws, rules and regulations for the conduct of business and the expenditure of its funds as it may deem advisable.

(4) To fix and define the terms of the officers of the Commission.

(5) To operate its affairs on a fiscal year coinciding with that of the county.

(6) To acquire an appropriate site within the county and to construct and equip thereon appropriate facilities of the sort authorized.

(7) To acquire by gift, or purchase, or otherwise, all kinds and descriptions of real and personal property.

(8) To accept gifts, grants, donations, devises and bequests.

(9) To make contracts for the construction, architectural and otherwise, with competitive bids, of a suitable building and for such other purposes as may be required by the Commission, under such terms and conditions as it shall deem appropriate.

(10) To expend any funds, including the proceeds of any bonds issued by Horry County to defray costs incident to the construction and equipping of the building herein authorized.

(11) To enter into leases with private eleemosynary corporations or other public agencies under which the facilities acquired and owned by the Commission may be utilized for the promotion of higher learning in the county; *provided,* that any such lease shall be subject to the provision that it may be terminated, at the option of the Commission, at the close of any school year ending three years subsequent to the date of such lease, if the Commission shall determine that the method employed by any lessee for the promotion of higher learning within the county does not fulfill the intendment of this act, and in such event to enter into further leases with other eleemosynary corporations or public agencies for the utilization of the building for the purposes intended, or if it shall be determined by the Commission that the leasing of its facilities no longer serves the purposes for which intended, then to make them available to the public school system or other public agencies of the county.

(12) To impose such terms and conditions in any lease which it shall make, which will reserve in the Commission the right to supervise the activities of any lessee, in order to insure the utilization of its facilities for the purposes herein intended.

(13) To fix and maintain such rentals, if any, as it shall determine for the use of its facilities.

The Commission shall at all times keep full and accurate account of its acts and of its receipts and expenditures, and at least once within four months following the close of its fiscal year, a complete audit of its affairs shall be made by a qualified public accountant. Copies of the audit shall be filed with the Clerk of Court for the county and with each member of the county legislative delegation.

Not less frequently than annually the Commission shall make a written report of the activities of the Commission and file a copy with each member of the legislative delegation."

SECTION 4. Section 21-3074, 1962 Code, amended—tax levy.—Section 21-3074 of the 1962 Code is amended to read as follows:

"Section 21-3074. By legislation in pari materia, provision has been made for the issuance of four hundred thousand dollars of general obligation bonds of Horry County to provide funds to the Commission to enable it to construct and equip a suitable building on a tract of land acquired by the Commission in Conway Township in Horry County. For the payment of such bonds, the full faith and credit of Horry County has been pledged, and there is required to be levied and collected by the Auditor and Treasurer of Horry County a tax ad valorem without limit as to rate, sufficient to provide for the payment of the principal and interest of the bonds. Without in any way limiting the generality of the foregoing pledge, the tax to be levied shall in no event be less than three mills, and if any surplus shall remain from the proceeds of the tax after meeting the payment of the principal and interest on the aforesaid bonds, such surplus, if any, shall be paid over by the treasurer to the Commission to enable it to carry out functions committed to it by this act.

Upon retirement of the bond issue, provided for herein, the Auditor for Horry County shall levy and the Treasurer shall collect three mills upon all taxable property within the county. The proceeds of such levy shall be paid over to the Commission to carry out the functions committed to it by this act."

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of April, 1963.

(R261, H1455) No. 186

An Act To Amend Section 21-3074, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Tax Levy For The Horry County Higher Education Commission, So As To Increase Such Tax From Three To Four Mills.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 21-3074 amended—tax levy.—Section 21-3074, Code of Laws of South Carolina, 1962, as amended, is further amended by striking the word "three" on lines twelve and eighteen and inserting in lieu thereof the word "four" so that when amended the section shall read as follows:

"Section 21-3074. By legislation in pari materia, provision has been made for the issuance of four hundred thousand dollars of general obligation bonds of Horry County to provide funds to the Commission to enable it to construct and equip a suitable building on a tract of land acquired by the Commission in Conway Township in Horry County. For the payment of such bonds, the full faith and credit of Horry County has been pledged, and there is required to be levied and collected by the Auditor and Treasurer of Horry County a tax ad valorem without limit as to rate, sufficient to provide for the payment of the principal and interest of the bonds. Without in any way limiting the generality of the foregoing pledge, the tax to be levied shall in no event be less than four mills, and if any surplus shall remain from the proceeds of the tax after meeting the payment of the principal and interest on the aforesaid bonds, such surplus, if any, shall be paid over by the treasurer to the Commission to enable it to carry out functions committed to it by this act.

Upon retirement of the bond issue, provided for herein, the Auditor for Horry County shall levy and the Treasurer shall collect four mills upon all taxable property within the county. The proceeds of such levy shall be paid over to the Commission to carry out the functions committed to it by this act."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 9th day of April, 1965.

(R818, H2156)

No. 493

An Act To Amend Section 21-3074, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Tax Levy For The Horry County Higher Education Commission, So As To Reduce The Levy And Provide For The Disposition Of Any Surplus Resulting From Such Levy.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Tax levy—surplus revenues.—Section 21-3074 of the 1962 Code, as last amended by Act 186 of 1965, is further amended to read as follows:

"Section 21-3074. By legislation in pari materia, provision has been made for the issuance of four hundred thousand dollars of general obligation bonds of Horry County to provide funds to the Commission to enable it to construct and equip a suitable building on a tract of land acquired by the Commission in Conway Township in Horry County. For the payment of such bonds, the full faith and credit of Horry County has been pledged, and there is required to be levied and collected by the Auditor and Treasurer of Horry County a tax ad valorem without limit as to rate, sufficient to provide for the payment of the principal and interest of the bonds. Without in any way limiting the generality of the foregoing pledge, the tax to be levied shall in no event be less than two mills, and if any surplus shall remain from the proceeds of the tax after meeting the payment of the principal and interest on the aforesaid bonds, such surplus, if any, shall be paid over to the treasurer to be deposited in the general fund of the county."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of July, 1973.

Act #273

AN ACT TO AMEND ACT 114 OF 1959, AS AMENDED, RELATING TO THE HORRY COUNTY HIGHER EDUCATION COMMISSION, SO AS TO FURTHER PROVIDE FOR THE AUTHORIZED TAX LEVY FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF CERTAIN GENERAL OBLIGATION BONDS OF THE COUNTY ISSUED FOR THE AUTHORIZED PURPOSES OF THE COMMISSION, AND TO PROVIDE FOR THE USE OF ANY SURPLUS REMAINING AFTER PAYMENT OF THIS DEBT SERVICE.

Be it enacted by the General Assembly of the State of South Carolina:

Tax levy for bonds

SECTION 1. Section 3 of Act 114 of 1959, as last amended by Act 493 of 1973, is further amended to read:

"Section 3. Provision has been made for the issuance of general obligation bonds of Horry County to provide funds to the Commission to enable it to construct and equip a suitable building on a tract of land acquired by the Commission in Conway Township in Horry County. For the payment of these bonds, the full faith and credit of Horry County has been pledged, and there is required to be levied and collected by the auditor and treasurer of Horry County a tax ad valorem without limit as to rate, sufficient to provide for the payment of the principal and interest of the bonds. Without limiting the foregoing, the tax to be levied must in no event be less than one and four-tenths mills, and if any surplus remains from the proceeds of the tax after meeting the payment of the principal and interest on the bonds, the surplus, if any, must be turned over to the Coastal Carolina Campus of the University of South Carolina under terms approved by the Commission."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Approved the 29th day of April, 1987.

(R220, S213) No. 126

An Act To Create The Lancaster County Commission For Higher Education And To Make Provision For Its Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Lancaster County Commission for Higher Education—members—terms—officers—Advisory Committee.—There is hereby created the Lancaster County Commission for Higher Education. This body, hereinafter called the Commission, shall be composed of seven members who shall be appointed by the Governor on the recommendation of a majority of the Lancaster County Legislative Delegation, including the Senator. The commissioners shall be appointed for terms of four years each and shall serve until their successors shall have been appointed and qualify; *provided*, that three of the seven commissioners initially appointed shall be appointed for a term of two years, with their successors to be appointed thereafter for full four-year terms.

The Superintendent of Education for Lancaster County shall, by virtue of his office, be an ex officio member of the Commission.

At their first meeting the commissioners shall elect a chairman, vice-chairman, secretary, and treasurer from among their members and proceed to organize and adopt such rules and procedures as may seem desirable to carry out their duties.

To facilitate its work the Commission is hereby authorized to appoint from Lancaster County, and from such adjacent areas as deemed appropriate, an Educational Advisory Committee consisting of not less than ten nor more than fifteen members which shall meet and consult with the Commission from time to time, as may be required. All members of the Commission and of the Educational Advisory Committee shall serve without compensation or fees.

SECTION 2. Meetings.—The Commission may meet at such times and in such places as to the majority of the members seems most desirable. Meetings shall be called by the chairman of the Commission; *provided*, that in the event the chairman is unable or unwilling to call a meeting, the Commission can be called into session on the written request and signatures of three members.

SECTION 3. Purpose.—The Commission shall have as its purpose the encouragement of higher education in Lancaster County and adjacent areas and, more specifically, the establishment in Lancaster County of facilities to offer standard freshman and sophomore college courses, and such other courses as deemed desirable. The Commission shall establish standards for the admission of persons to such courses.

SECTION 4. Powers.—To carry out this purpose and objective the Commission, with the approval of a majority of its members, shall be empowered to enter into contracts, make binding agreements, negotiate with educators and educational institutions and, generally, to take such actions in its name as are necessary to secure for Lancaster County and adjacent areas the educational facilities above described; *provided*, that the County of Lancaster shall not be bound nor held liable for any acts of omission or commission of the Commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of a majority of the Lancaster County Legislative Delegation, including the Senator.

The Commission may solicit funds and accept donations from various sources which it may expend in carrying out its objective.

SECTION 5. Records and reports.—The Commission shall keep accurate and detailed records of its meetings and actions and shall, as soon after June thirtieth of each year as is feasible, submit a written report to the Lancaster County Legislative Delegation which shall include an accounting of all funds the Commission may have received and disbursed in the twelve months preceding that date.

SECTION 6. Repeal.—All acts or parts of acts inconsistent herewith are repealed.

SECTION 7. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 15th day of April, 1959.

(R866, H2304)

No. 833

An Act To Amend Section 21-3226, Code Of Laws Of South Carolina, 1962, Relating To The Lancaster County Commission For Higher Education, So As To Further Provide For Its Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Powers.—Section 21-3226 of the 1962 Code is amended by adding at the end thereof "The commission may purchase and sell real and personal property." The section when amended shall read:

"Section 21-3226. To carry out its purpose and objective the Commission, with the approval of a majority of its members, shall be empowered to enter into contracts, make binding agreements, negotiate with educators and educational institutions and, generally, to take such actions in its name as are necessary to secure for Lancaster County and adjacent areas the educational facilities above described; *provided*, that the county of Lancaster shall not be bound nor held liable for any acts of omission or commission of the Commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of a majority of the Lancaster County Legislative delegation, including the Senator.

The Commission may solicit funds and accept donations from various sources which it may expend in carrying out its objective. The commission may purchase and sell real and personal property."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of October, 1973.

(R1178, H2990) **No. 1045**

An Act To Amend Act 126 Of 1959, Relating To The Lancaster County Commission For Higher Education, So As To Authorize The Commission To Provide Recreational Facilities And Programs And To Enter Into Agreements For Federal, State And Local Grants.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Duties.—Section 3 of Act 126 of 1959 is amended to read as follows:

"Section 3. The Commission shall have as its purpose the encouragement of higher education in Lancaster County and adjacent areas and, more specifically, the establishment in Lancaster County of facilities to offer standard freshman and sophomore college courses, and such other courses as deemed desirable. The Commission shall establish standards for the admission of persons to such courses.

The Commission shall also furnish recreational facilities and programs in conjunction with its other purposes and shall make such facilities available to the general public at reasonable times which do not conflict with such programs."

SECTION 2. Powers.—Section 4 of Act 126 of 1959 is amended to read as follows:

"Section 4. To carry out this purpose and objective the Commission, with the approval of a majority of its members, shall be empowered to enter into contracts, make binding agreements, negotiate with educators and educational institutions and, generally, to take such actions in its name as are necessary to secure for Lancaster County and adjacent areas the educational facilities above described; *provided,* that the County of Lancaster shall not be bound nor held liable for any acts of omission or commission of the Commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of a majority of the Lancaster County Legislative Delegation, including the Senator.

The Commission may solicit funds and accept donations from various sources which it may expend in carrying out its objective.

The Commission is authorized to enter into agreements for public grants, local, state and federal."

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of May, 1974.

(R20, H2278) No. 16

An Act To Amend Act No. 126 Of 1959, As Amended, Relating To The Lancaster County Commission For Higher Education, So As To Authorize The Commission To Provide And Operate Recreational Facilities And Programs And To Further Provide When Such Facilities Shall Be Made Available To The Public.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Powers and duties.—Section 3 of Act No. 126 of 1959, as last amended by Act No. 1045 of 1974, is further amended to read as follows:

"Section 3. The Commission shall have as its purpose the encouragement of higher education in Lancaster County and adjacent areas and, more specifically, the establishment in Lancaster County of facilities to offer standard freshman and sophomore college courses, and such other courses as deemed desirable. The Commission shall establish standards for the admission of persons to such courses.

The Commission shall also furnish and operate recreational facilities and programs in conjunction with its other purposes and shall make such facilities available to the general public."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Became law without the signature of the Governor.

(R518, S1112) **No. 614**

An Act To Amend Act 126 Of 1959, As Amended, Relating To The Lancaster County Commission On Higher Education, So As To Authorize The Commission To Purchase And Sell Real Property.

Be it enacted by the General Assembly of the State of South Carolina:

Commission authorized to purchase and sell property

SECTION 1. Section 4 of Act 126 of 1959, as last amended by Act 1045 of 1974, is further amended to read:

"Section 4. To carry out this purpose and objective the Commission, with the approval of a majority of its members, shall be empowered to enter into contracts, make binding agreements, purchase and sell real property, negotiate with educators and educational institutions and, generally, to take such actions in its name as are necessary to secure for Lancaster County and adjacent areas the educational facilities above described; *provided*, that the County of Lancaster shall not be bound nor held liable for any acts of omission or commission of the Commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of a majority of the Lancaster County Legislative Delegation, including the Senator.

The Commission may solicit funds and accept donations from various sources which it may expend in carrying out its objective.

The Commission is authorized to enter into agreements for public grants, local, state and federal."

Time effective

SECTION 2. This act shall take effect upon approval by the Governor.

Approved the 30th day of May, 1980.

LEXINGTON

An Act To Create The Lexington County Commission For Higher Education And To Make Provision For Its Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Lexington County Commission for Higher Education created.—There is hereby created the Lexington County Commission for Higher Education. This body, hereinafter called the commission, shall be composed of eleven members who shall be appointed by the Governor on the recommendation of a majority of the members of the House of Representatives from Lexington County and the Senators representing the district in which Lexington County is located. The commissioners shall be appointed for terms of four years each and shall serve until their successors shall have been appointed and qualify; *provided,* that five of the eleven commissioners initially appointed shall be appointed for terms of two years, with their successors to be appointed thereafter for full four-year terms.

The Superintendent of Education for Lexington County shall, by virtue of his office, be an ex officio member of the commission.

At their first meeting the commissioners shall elect a chairman, vice-chairman, secretary and treasurer from among their members and proceed to organize and adopt such rules and procedures as may seem desirable to carry out their duties.

To facilitate its work the commission is hereby authorized to appoint from Lexington County, and from such adjacent areas as deemed appropriate, an Educational Advisory Committee consisting of not less than ten nor more than fifteen members which shall meet and consult with the commission from time to time, as may be required. All members of the commission and of the Educational Advisory Committee shall serve without compensation or fees.

SECTION 2. Meetings.—The commission may meet at such times and in such places as to the majority of the members seems most desirable. Meetings may be called by the chairman of the commission or on the written request and signatures of three members.

SECTION 3. Duties.—The commission shall have as its purpose the encouragement of higher education in Lexington County and adjacent areas and, more specifically, the establishment in Lexington County of facilities to offer standard freshman and sophomore college courses and such other courses as deemed desirable.

SECTION 4. Powers.—To carry out this purpose and objective, the commission, with the approval of a majority of its members, shall be empowered to enter into contracts, make binding agreements, negotiate with educators and educational institutions and, generally, to take such actions in its name as are necessary to secure for Lexington County and adjacent areas the educational facilities above described; *provided,* that the County of Lexington shall not be bound nor held liable for any acts of omission or commission of the commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of a majority of the members of the House of Representatives from Lexington County and the Senators representing the district in which Lexington County is located.

The commission may solicit funds and accept donations from various sources which it may expend in carrying out its objective.

SECTION 5. Records and reports.—The commission shall keep accurate and detailed records of its meetings and actions and shall, as soon after June thirtieth of each year as is feasible, submit a written report to the Lexington County Legislative Delegation which shall include an accounting of all funds the commission may have received and disbursed in the twelve months preceding that date.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1967.

MARLBORO

(R1708, S2—177) **No. 1915**

An Act To Create The Marlboro County Commission For Higher Education.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Marlboro County Commission for Higher Education created.—There is hereby created the Marlboro County Commission for Higher Education to be composed of six members, five of whom shall be appointed by the Governor upon the recommendation of a majority of the Marlboro County Legislative Delegation. The terms of the members shall be for four years and until their successors are appointed and qualify. Vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term only.

The county superintendent of education shall be an ex officio member of the commission without voting power.

SECTION 2. Organizational meeting.—At its first meeting the commission shall elect a chairman, a vice-chairman and a secretary and treasurer from among its members and proceed to organize and adopt such rules and procedures as may seem desirable to carry out its duties. The commission may meet at such times and places as a majority of the members determine. Meetings may be called by the chairman or on the written request of at least three members.

SECTION 3. Purpose.—The commission shall have as its purpose the encouragement of higher education in Marlboro County and adjacent areas and, more specifically the establishment in Marlboro County of facilities to offer standard freshman and sophomore college courses, and such other courses as deemed desirable.

SECTION 4. Powers and duties.—To carry out this purpose the commission may enter into contracts, negotiate with educators and educational institutions, and generally take such action in its name as may be necessary to secure for Marlboro County and adjacent areas the educational facilities above described; *provided,* that Marlboro County shall not be bound nor held liable for any acts of omission or commission of the commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval of a majority of the members of the County Legislative Delegation.

The commissioner may solicit funds and accept donations from various sources which it may expend in carrying out its objective, and may acquire, own and hold title to real and personal properties for use in connection with the objectives of the commission.

SECTION 5. Records and report.—The commission shall keep accurate and detailed records of its meetings and actions and shall, as soon after June thirtieth of each year as is feasible, submit a written report to the members of the County Legislative Delegation, which shall include an accounting of all funds the commission may have received and disbursed in the twelve months preceding that date.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 1st day of July, 1972.

Oconee

(R1059, S791)

No. 998

An Act To Create The Oconee County Commission For Higher Education.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Oconee County Commission for higher education created.—There is hereby created the Oconee County Commission for Higher Education. This body, hereinafter called the Commission, shall be composed of six members. Five shall be appointed by the Governor on the recommendation of a majority of the Oconee County Delegation, including the resident Senator, if any. The commissioners shall be appointed for terms of four years each and shall serve until their successors are appointed and qualify; *provided,* that two of the five commissioners initially appointed shall be appointed for terms of two years, with the successors to be appointed thereafter for full four-year terms.

The Superintendent of Education for Oconee County shall be an ex officio member of the Commission without voting power.

At their first meeting the commissioners shall elect a chairman, vice-chairman, secretary and treasurer from among their members and proceed to organize and adopt such rules and procedures as may seem desirable to carry out their duties.

All members of the Commission shall serve without compensation.

SECTION 2. Meetings.—The Commission may meet at such times and in such places as to the majority of the members seems most desirable. Meetings may be called by the chairman of the Commission or on the written request and signatures of three members.

SECTION 3. Purpose.—The Commission shall have as its purpose the encouragement of higher education in Oconee County and adjacent areas and, more specifically the establishment in Oconee County of facilities to offer standard freshman and sophomore college courses, and such other courses as deemed desirable.

SECTION 4. Powers and duties.—To carry out this purpose and objective, the Commission, with the approval of a majority of its members, shall be empowered to enter into contracts, making binding agreements, negotiate with educators and educational institutions and, generally, to take such actions in its name as are necessary to secure for Oconee County and adjacent areas the educational facilities above described; *provided,* that Oconee County shall not be bound nor held liable for any acts of omission or commission of the Commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of a majority of the members of the House of Representatives from Oconee County, including the resident Senator, if any.

The Commission may solicit funds and accept donations from various sources which it may expend in carrying out its objective, and may acquire, own and hold title to real and personal properties for use in connection with the objectives of the Commission.

SECTION 5. Minutes and Reports.—The Commission shall keep accurate and detailed records of its meetings and actions and shall, as soon after June thirtieth of each year as is feasible, submit a written report to the members of the House of Representatives from Oconee County and the resident Senator, if any, which shall include an accounting of all funds the Commission may have received and disbursed in the twelve months preceding that date.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 19th day of March, 1968.

SPARTANBURG

(R42, H1154)

No. 36

An Act To Create The Spartanburg County Commission For Higher Education And To Make Provision For Its Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Spartanburg County Commission for Higher Education created—members—terms—officers—advisory committee.—There is hereby created the Spartanburg County Commission for Higher Education. This body, hereinafter called the Commission, shall be composed of seven members who shall be appointed by the Governor on the recommendation of a majority of the members of the House of Representatives from Spartanburg County and the Senators of District No. 4. The commissioners shall be appointed for terms of four years each and shall serve until their successors shall have been appointed and qualify; *provided,* that three of the seven commissioners initially appointed shall be appointed for terms of two years, with their successors to be appointed thereafter for full four-year terms.

The Superintendent of Education for Spartanburg County shall, by virtue of his office, be an ex officio member of the Commission.

At their first meeting the commissioners shall elect a chairman, vice-chairman, secretary and treasurer from among their members and proceed to organize and adopt such rules and procedures as may seem desirable to carry out their duties.

To facilitate its work the Commission is hereby authorized to appoint from Spartanburg County, and from such adjacent areas as deemed appropriate an Educational Advisory Committee consisting of not less than ten nor more than fifteen members which shall meet and consult with the Commission from time to time, as may be required. All members of the Commission and of the Educational Advisory Committee shall serve without compensation or fees.

SECTION 2. Meetings.—The Commission may meet at such times and in such places as to the majority of the members seems most desirable. Meetings may be called by the chairman of the Commission or on the written request and signatures of three members.

SECTION 3. Duties.—The Commission shall have as its purpose the encouragement of higher education in Spartanburg County and adjacent areas and, more specifically the establishment in Spartanburg County of facilities to offer standard freshman and sophomore college courses, and such other courses as deemed desirable.

SECTION 4. Powers.—To carry out this purpose and objective, the Commission, with the approval of a majority of its members, shall be empowered to enter into contracts, make binding agreements, negotiate with educators and educational institutions and, generally, to take such actions in its name as are necessary to secure for Spartanburg County and adjacent areas the educational facilities above-described; *provided,* that the County of Spartanburg shall not be bound nor held liable for any acts of omission or commission of the Commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of a majority of the members of the House of Representatives from Spartanburg County and the Senators of District No. 4.

The Commission may solicit funds and accept donations from various sources which it may expend in carrying out its objective.

SECTION 5. Records and report.—The Commission shall keep accurate and detailed records of its meetings and actions and shall, as soon after June thirtieth of each year as is feasible, submit a written report to the members of the House of Representatives from Spartanburg County and the Senators of District ,No. 4 which shall include an accounting of all funds the Commission may have received and disbursed in the twelve months preceding that date.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1967.

(R693, H2048) **No. 504**

An Act To Amend Act No. 36 Of The Acts And Joint Resolutions Of South Carolina, 1967, Creating The Spartanburg County Commission For Higher Education, So As To Authorize The Commission To Exercise The Power Of Eminent Domain.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Act No. 36 of 1967 amended to give power of eminent domain to Spartanburg County Commission for Higher Education.—Section 4 of Act No. 36 of 1967 is amended by adding at the end thereof the following paragraph, so as to grant the Spartanburg County Commission for Higher Education the power of eminent domain:

"The Commission may exercise the power of eminent domain in the manner provided in Sections 33-121 through 33-148, Code of Laws of South Carolina, 1962, in order to obtain such lands, easements or rights of way as are needed to carry out the authorized purpose of the Commission." When so amended, Section 4 shall read as follows:

"Section 4. To carry out this purpose and objective, the Commission, with the approval of a majority of its members, shall be empowered to enter into contracts, make binding agreements, negotiate with educators and educational institutions and, generally, to take such actions in its name as are necessary to secure for Spartanburg County and adjacent areas the educational facilities above-described; *provided*, that the County of Spartanburg shall not be bound nor held liable for any acts of omission or commission of the Commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of a majority of the members of the House of Representatives from Spartanburg County and the Senators of District No. 4.

The Commission may solicit funds and accept donations from various sources which it may expend in carrying out its objective.

The Commission may exercise the power of eminent domain in the manner provided in Sections 33-121 through 33-148, Code of Laws of South Carolina, 1962, in order to obtain such lands, easements or rights of way as are needed to carry out the authorized purpose of the Commission."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 3rd day of July, 1967.

(R65, H1160) No. 50

An Act To Create The Sumter County Commission For Higher Education And To Make Provision For Its Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Sumter County Commission for Higher Education created.—There is hereby created the Sumter County Commission for Higher Education. This body, hereinafter called the commission, shall be composed of seven members who shall be appointed by the Governor on the recommendation of a majority of the Sumter County Legislative Delegation, including the Senator. The commissioners shall be appointed for terms of four years each and shall serve until their successors shall have been appointed and qualify; *provided,* that three of the seven commissioners initially appointed shall be appointed for terms of two years, with their successors to be appointed thereafter for full four-year terms.

At their first meeting the commissioners shall elect a chairman, vice-chairman, secretary, and treasurer from among their members and proceed to organize and adopt such rules and procedures as may seem desirable to carry out their duties.

To facilitate its work the commission is hereby authorized to appoint from Sumter County, and from such adjacent areas as deemed appropriate, an Educational Advisory Committee consisting of not less than ten nor more than fifteen members which shall meet and consult with the commission from time to time, as may be required. All members of the commission and of the Educational Advisory Committee shall serve without compensation or fees.

SECTION 2. Meetings.—The commission may meet at such times and in such places as to the majority of the members seems most desirable. Meetings may be called by the chairman of the commission or on the written request and signatures of three members.

SECTION 3. Purposes.—The commission shall have as its purpose the encouragement of higher education in Sumter County and adjacent areas and, more specifically, the establishment in Sumter County of facilities to offer standard freshman and sophomore college courses, and such other courses as deemed desirable.

SECTION 4. Powers and duties.—To carry out this purpose and objective, the commission, with the approval of a majority of its members, shall be empowered to enter into contracts, make binding agreements, negotiate with educators and educational institutions and, generally, to take such actions in its name as are necessary to secure for Sumter County and adjacent areas the educational facilities above-described; *provided,* that the County of Sumter shall not be bound nor held liable for any acts of omission or commission of the commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of a majority of the Sumter County Legislative Delegation, including the Senator.

The commission may solicit funds and accept donations from various sources which it may expend in carrying out its objective.

SECTION 5. Records and report.—The commission shall keep accurate and detailed records of its meetings and actions and shall, as soon after June thirtieth of each year as is feasible, submit a written report to the Sumter County Legislative Delegation which shall include an accounting of all funds the commission may have received and disbursed in the twelve months preceding that date.

SECTION 6. Repeal.—All acts or parts of acts inconsistent herewith are repealed.

SECTION 7. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 19th day of February, 1965.

(R838, H2290) **No. 822**

An Act To Amend Act No. 50 Of 1965, Relating To The Sumter County Commission For Higher Education, So As To Increase Its Membership.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Sumter County Commission for Higher Education.—The first paragraph of Section 1 of Act No. 50 of 1965 is amended to read as follows:

"There is hereby created the Sumter County Commission for Higher Education. This body, hereinafter called the commission, shall be composed of nine members who shall be appointed by the Governor on the recommendation of a majority of the Sumter County Legislative Delegation, including the Senator. The commissioners shall be appointed for terms of four years each and shall serve until their successors shall have been appointed and qualify."

SECTION 2. Term of additional member.—Notwithstanding the provisions of Section 1, one of the additional members provided for by this act shall serve an initial term which shall expire on the same day as those whose terms first expire after the effective date of this act and the other additional member shall serve an initial term which shall expire on the same day as those whose terms expire last after the effective date of this act.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of October, 1973.

UNION-LAURENS

Act #288

AN ACT TO CREATE THE UNION-LAURENS COMMISSION FOR HIGHER EDUCATION, TO PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND FUNCTIONS, TO REPEAL ACT 23 OF 1965 RELATING TO THE UNION COUNTY COMMISSION FOR HIGHER EDUCATION, AND TO TRANSFER ALL ASSETS AND LIABILITIES OF THE UNION COUNTY COMMISSION TO THE UNION-LAURENS COMMISSION ABOVE ESTABLISHED.

Be it enacted by the General Assembly of the State of South Carolina:

Union-Laurens Higher Education Commission

SECTION 1. There is created the Union-Laurens Commission for Higher Education. This body is composed of seven members who must be appointed by the Governor upon the recommendation of a majority of the Union County and Laurens County Legislative Delegations, including the Senators meeting in joint session; provided, that the first members of this Commission must be the present members of the Union County Commission for Higher Education who shall serve until their current terms of office as members of the Union County Commission for Higher Education would have expired; provided, further, that at all times at least five members of the Commission must be residents of Union County. The commissioners must be appointed for terms of four years each and shall serve until their successors are appointed and qualify. No member of the Commission may serve more than two consecutive four-year terms.

At their first meeting the commissioners shall elect a chairman, vice-chairman, secretary, and treasurer from among their members and proceed to organize and adopt rules and procedures to carry out their duties; provided, that the chairman of the Commission must be a resident of Union County.

To facilitate its work the Commission is authorized to appoint from Union and Laurens Counties and from those adjacent areas, as considered appropriate, an Educational Advisory Committee consisting of not less than ten nor more than fifteen members which shall meet and consult with the Commission from time to time, as may be required. All members of the Commission and of the Educational Advisory Committee shall serve without compensation or fees.

Meetings

SECTION 2. The Commission shall meet at those times and in those places the majority of the members determine. Meetings may be called by the chairman of the Commission or on the written request and signatures of three members. The Commission's office must be located at the University of South Carolina at Union Campus.

Purpose

SECTION 3. The Commission has as its purpose the encouragement of higher education in Union and Laurens Counties and adjacent areas and, more specifically, the establishment in Union and Laurens Counties of facilities to offer standard freshman and sophomore college courses, and those other courses considered desirable.

Powers

SECTION 4. To carry out this purpose, the Commission is empowered to enter into contracts, negotiate with educators and educational institutions, and, generally, to take those actions in its name as are necessary to secure for Union and Laurens Counties and adjacent areas the educational facilities above-described; provided, that the counties of Union and Laurens are not bound nor held liable for any acts of omission or commission of the Commission, nor by any provision of any contract, expressed or implied, except upon the written approval and consent of a majority of the Legislative Delegation, including the Senators of the county affected.

The Commission may solicit funds and accept donations from various sources which it may expend in carrying out its objective.

Records

SECTION 5. The Commission shall keep accurate and detailed records of its meetings and actions and shall, as soon after June thirtieth of each year as is feasible, submit a written report to the Union County and Laurens County Legislative Delegations, respectively, which must include an accounting of all funds the Commission may have received and disbursed in the twelve months preceding that date.

Repeal and transfer

SECTION 6. Act 23 of 1965 is repealed and all assets and liabilities of the Union County Commission for Higher Education are transferred to the Union-Laurens Commission for Higher Education.

Time effective

SECTION 7. This act takes effect upon approval by the Governor.

In the Senate House the 4th day of June
In the Year of Our Lord One Thousand Nine Hundred and Eighty-Seven.

Approved the 8th day of June, 1987.

AREA TECHNICAL EDUCATION COMMISSIONS AND COMMITTEES

Aiken

(R1117, 3646) No. 926

An Act To Create The Aiken County Commission For Technical Education And Training And To Define Its Duties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly finds that by Section 23 of Act 323 of the Acts of 1961, a program looking to the establishment of adequate vocational and technical educational facilities in the State, intended to coordinate with the industrial expansion of South Carolina, was instituted on a basis requiring cooperation between the State agency therein created and counties or areas within the State. It is specifically required therein that in order for any county or area to comply with the program and thusly to receive the benefits of the program, it must make available, and operate adequate facilities, and at the same time provide for adequate local supervision.

SECTION 2. Aiken County Commission for Technical Education created — members — terms — vacancies — officers.—There is hereby created, as an administrative agency of Aiken County a commission, to be known as the "Aiken County Commission for Technical Education" (hereinafter referred to as the "Commission"), which shall consist of nine qualified registered electors of Aiken County. All appointments to office of the Commission shall be made by the Governor, upon the recommendation of a majority of the legislative delegation, including the Senator, from Aiken County. Of those first appointed, two shall have a term of one year, two shall have a term of two years, two shall have a term of three years, and three shall have terms of four years. Upon the expiration of the terms of office of those first appointed, successors shall be appointed for terms of four years in the same manner as provided for the original appointment. If any vacancy shall arise, a successor shall be appointed by the Governor for the balance of the unexpired term in the same manner as the original appointment was made. The members of the Commission shall hold office until their successors shall have been appointed and shall qualify. All terms of office shall terminate on the appropriate anniversary of the effective date of this act, notwithstanding that a delay in making appointments shall lessen the duration of the terms of office. As soon as practicable after the initial appointments are made, the Commission shall meet and organize by electing one of its members as chairman, another as vice chairman, and a third as secretary. A transcript of the record of the initial organization shall be filed with the Clerk of Court of Aiken County in order to reflect the initial membership of the Commission and those who shall become its officers.

SECTION 3. Duties—The Commission shall be responsible for a full and exhaustive study looking to the development and implementation of an adequate vocational and technical training program, which shall include, but not be limited to, the following: a program coordinated with our industrial expansion effort which will provide immediate training for established industries and provide immediate training for particular industries. The Commission, in carrying out this program, shall cooperate with all State and Federal agencies designated to further technical education.

SECTION 4. Powers.—When funds are made available the Commission is authorized to do all things necessary or convenient to promote the objects of the program instituted by Section 23 of Act 323 of 1961, and without in any way limiting the generality of the foregoing, shall be empowered as follows:

(1) to adopt and use a corporate seal;

(2) to adopt such bylaws, rules and regulations for the conduct of business and the expenditure of appropriated funds as it may deem advisable;

(3) when funds are made available by the General Assembly, to acquire a site within Aiken County and to construct and equip thereon appropriate facilities in accordance with the standards and specifications promulgated by the State Advisory Committee established by Section 23 of Act 323 of 1961;

(4) to acquire by gift, or purchase, or otherwise, all kinds and descriptions of real and personal property;

(5) to accept gifts, grants, donations, devises and bequests;

(6) to provide appropriate supervision of the maintenance of any facility established to promote vocational or technical education;

(7) to provide the necessary administrative services required by the State program;

(8) to employ such personnel as may be necessary to enable the Commission to fulfill its functions;

(9) to establish, promulgate and enforce reasonable rules and regulations, in conjunction with those promulgated by the State agency, for the operation of its facilities;

(10) to operate its affairs on a fiscal year coinciding with that of Aiken County;

(11) to expend any funds received in any manner, including the proceeds derived from any bonds which may be issued by Aiken County to defray any costs incident to the establishment of adequate facilities for the program, and thereafter to expend such funds as may be appropriated for the operation, maintenance and improvement of the facilities:

(12) to apply for, receive, and expend moneys from all governmental agencies, both State and Federal;

(13) to exercise all powers contemplated for local agencies by Section 23 of Act 323 of 1961, and all other laws modifying, amending or implementing it.

SECTION 5. Records and audit.—The Commission shall at all times keep full and accurate account of its acts and of its receipts and expenditures, and at least once within four months, following the close of its fiscal year, a complete audit of its affairs shall be made by a qualified public accountant. Copies of the audit shall be filed with the Clerk of Court for Aiken County and with the Aiken County Legislative Delegation.

SECTION 6. Reports.—Not less frequently than annually the Commission shall make a written report of the activities of the Commission and file a copy with the Aiken County Legislative Delegation.

SECTION 7. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of April, 1962.

(R559, H3868) **No. 698**

An Act To Amend Act 926 Of 1962, Relating To The Aiken County Commission For Technical Education, So As To Provide That The Chairman Of The Aiken County Commission For Higher Education Shall Be An Ex Officio Member Of The Commission For Technical Education.

Be it enacted by the General Assembly of the State of South Carolina:

Aiken County Commission for Technical Education

SECTION 1. Section 2 of Act 926 of 1962 is amended to read:

"Section 2. There is hereby created as an administrative agency of Aiken County a commission, to be known as the 'Aiken County Commission for Technical Education' (hereinafter referred to as the Commission), which shall consist of nine qualified registered electors of Aiken County. All appointments to office of the Commission shall be made by the Governor, upon the recommendation of a majority of the legislative delegation, including the Senators, from Aiken County. Of those first appointed, two shall have a term of one year, two shall have a term of two years, two shall have a term of three years, and three shall have terms of four years. Upon the expiration of the terms of office of those first appointed, successors shall be appointed for terms of four years in the same manner as provided for the original appointment. If any vacancy shall arise, a successor shall be appointed by the Governor for the balance of the unexpired term in the same manner as the original appointment was made. The members of the Commission shall hold office until their successors shall have been appointed and shall qualify. All terms of office shall terminate on the appropriate anniversary of the effective date of this act, notwithstanding that a delay in making appointments shall lessen the duration of the terms of office. As soon as practicable after the initial appointments are made, the Commission shall meet and organize by electing one of its members as chairman, another as vice chairman, and a third as secretary. A transcript of the record of the initial organization shall be filed with the Clerk of Court of Aiken County in order to reflect the initial membership of the Commission and those who shall become its officers. In addition to those members appointed by the Governor, the Chairman of the Aiken County Commission for Higher Education shall be an ex officio member of the Commission."

Time effective

SECTION 2. This act shall take effect upon approval by the Governor.

Became law without the signature of the Governor.

ANDERSON-OCONEE-PICKENS TECHNICAL EDUCATION AND TRAINING DISTRICT

SEC.
59-53-210. Creation of District; Commission.
59-53-220. Members of Commission; terms.
59-53-230. Officers of Commission; conduct of business.
59-53-240. Technical education center.
59-53-250. Cost of operation and maintenance of center.
59-53-260. Disposition of center.
59-53-270. Powers of Commission.
59-53-280. Audit.

§ 59-53-210. Creation of District; Commission.

There is hereby created the Anderson-Oconee-Pickens Technical Education and Training District, consisting of the counties of Anderson, Oconee, and Pickens, which shall be controlled and managed by a commission known as the Anderson-Oconee-Pickens Technical Education and Training Commission (hereinafter called the Commission).

HISTORY: 1962 Code § 21-705; 1962 (52) 2210.

§ 59-53-220. Members of Commission; terms.

The Commission shall consist of nine members, three from each county, to be elected by a majority of the legislative delegations of the respective counties, including the Senators. The term for one member from each county shall expire on April 1, 1963, the term for one member from each county shall expire on April 1, 1964, and the term for one member from each county shall expire on April 1, 1965. The successors of the original members shall serve for terms of three years or until their successors have been elected and qualified.

HISTORY: 1962 Code § 21-705.1; 1962 (52) 2210.

§ 59-53-230. Officers of Commission; conduct of business.

The Commission shall elect from its number a chairman and such other officers as may be deemed expedient, and shall make such rules and regulations for the conduct of its business as are not contrary to law.

HISTORY: 1962 Code § 21-705.2; 1962 (52) 2210.

ATTORNEY GENERAL'S OPINIONS

A Technical Training District may properly be considered a school district as that term is used in the U. S. Department of Commerce Rules and Regulations. 1976-77 Op Atty Gen, No 77-172, p 136.

§ 59–53–240. Technical education center.

The Commission shall provide for the creation, maintenance and operation of a technical educational center to be located in one of the three counties as the Commission shall designate, and there shall be developed and carried out at such center a program of adult pre-employment, adult extension, and high school pre-employment training for residents of the District and such other persons as the Commission shall designate, upon such terms as the Commission shall require.

HISTORY: 1962 Code § 21-705.3; 1962 (52) 2210.

ALR and L Ed Annotations—

Tort liability of public schools and institutions of higher learning for accidents associated with chemistry experiments, shopwork, and manual or vocational training. 35 ALR3d 758.

ATTORNEY GENERAL'S OPINIONS

Instructors at technical education centers are State employees and are, therefore, subject to provisions relating to salary and grievance matters applicable to such employees. 1974–75 Op Att'y Gen, No 4060, p 138.

§ 59–53–250. Cost of operation and maintenance of center.

All expenses of original cost and cost of operation and maintenance of the center, and expenses of the Commission, shall be borne by the three counties as follows: Anderson County, fifty per cent; Oconee County, twenty-five per cent; and Pickens County, twenty-five per cent.

HISTORY: 1962 Code § 21-705.4; 1962 (52) 2210.

§ 59–53–260. Disposition of center.

The center, including the real property, shall not be disposed of except upon approval of a majority of the delegations of all three counties, including the Senators.

HISTORY: 1962 Code § 21-705.5; 1962 (52) 2210.

§ 59–53–270. Powers of Commission.

The Commission is vested with authority to:

(1) Employ personnel;

(2) Accept and administer funds or equipment from other governmental agencies, individuals, or corporations;

(3) Enter into such contracts as may be necessary to carry out the purposes of the center;

(4) Acquire, own, and sell property, real and personal.

HISTORY: 1962 Code § 21-705.6; 1962 (52) 2210.

§ 59–53–280. Audit.

The Commission shall furnish to the members of the three legislative delegations who provide county funds an annual audit of the receipts and expenditures of the center.

HISTORY: 1962 Code § 21-705.7; 1962 (52) 2210.

(R394, S625) **No. 702**

An Act To Authorize The Anderson-Oconee-Pickens Technical Education And Training Commission To Borrow Money For Capital Improvements And To Repay Such Loan From A Special Fee.

Be it enacted by the General Assembly of the State of South Carolina:

May borrow money

SECTION 1. The Anderson-Oconee-Pickens Technical Education and Training Commission is authorized to borrow for capital improvements of Tri-County Technical College from federal or any other public lending agency an amount not to exceed its ability to repay such loan from the authorized special fee. The terms of the loan shall not exceed forty years.

Repayment

SECTION 2. To amortize the capital improvement loan authorized in Section 1, the special fee not to exceed fifteen dollars per full-time student per quarter will be deposited in a special capital improvements account and will be used for the repayment of the capital improvements loan in accordance with the terms of repayment negotiated by the commission and the lender. No funds other than the special fee revenue shall be pledged for the repayment.

Time effective

SECTION 3. This act shall take effect upon approval by the Governor.

Became law without the signature of the Governor.

Beaufort Technical College Area Commission

Sec.
59-53-910. Creation of commission; appointment and terms of members; election of officers.
59-53-920. Selection of members on basis of merit; membership to be broadly representative of citizenry.
59-53-930. Powers of commission; preparation of annual budget; funding.
59-53-940. Accounting requirements; annual audit.

§ 59-53-910. Creation of commission; appointment and terms of members; election of officers.

There is created the Beaufort Technical College Area Commission which shall serve as the governing body of Beaufort Technical College. The commission is a body politic and corporate and consists of seven members who must be appointed in the manner hereinafter specified. Four members must be residents of Beaufort County, one member must be a resident of Colleton County, one member must be a resident of Hampton County, and one member must be a resident of Jasper County, all of whom must be appointed by the Governor upon the recommendation of a majority of the members of the General Assembly representing that county. The members of the commission must be appointed for terms of four years each and until their successors are appointed and qualify, except that two members from Beaufort County, and one member each from Colleton, Hampton, and Jasper Counties shall serve initial terms of two years each, the initial terms of all members to be designated by the Governor when making the initial appointments.

Any vacancy must be filled in the manner of the original appointment for the unexpired portion of the term only. As soon as possible after the initial appointments have been made, the commission shall organize by electing one of its members as chairman, one as vice-chairman, and one as secretary. The terms of the initial appointees are extended so that all terms expire on the first of July of the appropriate year.

§ 59-53-920. Selection of members on basis of merit; membership to be broadly representative of citizenry.

Members of the commission must be selected based on merit regardless of race, color, creed, or gender and the appointing authority shall strive to assure that the membership is broadly representative of all the citizens of the counties involved.

HISTORY: 1986 Act No. 537, § 2, eff April 29, 1986.

§ 59-53-930. Powers of commission; preparation of annual budget; funding.

The commission has the same powers as provided by Article 1, Chapter 53, Title 59 of the 1976 Code, and in addition must prepare and submit its annual budget for approval to the State Board for Technical and Comprehensive Education. Beaufort Technical College must be funded in accordance with the provisions of §§ 59-53-51, 59-53-52, and 59-53-57.

HISTORY: 1986 Act No. 537, § 3, eff April 29, 1986.

§ 59-53-940. Accounting requirements; annual audit.

The commission shall at all times keep full and accurate account of its acts and of its receipts and expenditures. A complete audit of its affairs must be made by a qualified public accountant at least once within four months following the close of its fiscal year. Copies of the audit must be filed with the State Board for Technical and Comprehensive Education.

HISTORY: 1986 Act No. 537, § 4, eff April 29, 1986.

Beaufort County Committee for Technical Training

Section 21-1441. There is hereby created the Beaufort County Advisory Committee for Technical Training which shall consist of five members. The members shall be appointed for terms of two years by the Governor upon the recommendation of a majority of the Beaufort County Council. The Chairman of the Beaufort County Development Board shall be an ex officio member. The committee shall meet as soon after appointment as practicable and shall organize by electing a chairman and such other officers as it deems necessary. Thereafter, the committee shall meet upon the call of the chairman or a majority of its members. It shall make periodic reports of its activities and progress to the county council.

Section 21-1442. The committee shall assist in an advisory capacity in the development and implementation of an adequate technical training program, which shall include, but not be limited to, the following: (1) a program coordinated with the county industrial expansion effort which will provide immediate training for established industries and provide immediate training for particular industries; (2) technical training programs primarily designed to train high school graduates as technicians for initial employment in industry; and (3) trade extension courses provided to persons who desire employment in industries and also to those presently employed who wish to improve their skills. The committee, in formulating its program recommendations, shall cooperate with all county, state and federal agencies designed to further technical education and shall be the local liason agency with the State Board for Technical and Comprehensive Education."

Terms of present members

SECTION 2. All members of the committee serving unexpired terms on the effective date of this act shall continue to serve out such terms.

Time effective

SECTION 3. This act shall take effect upon approval by the Governor.

Became law without the signature of the Governor.

AREA COMMISSION FOR THE BERKELEY-CHARLESTON-DORCHESTER TECHNICAL EDUCATION DISTRICT

SEC.
59–53–410. Creation of Area Commission; membership; officers; meetings; reports.
59–53–420. Powers of Area Commission.
59–53–430. Accounts of Area Commission; audits.
59–53–440. Budgets.

§ 59–53–410. Creation of Area Commission; membership; officers; meetings; reports.

In order that there may be a local agency of the sort contemplated by the former provisions which created the Advisory Committee for Technical Training, to participate in and receive the benefits of the program contemplated thereby for the counties of Berkeley, Charleston and Dorchester, there is hereby created the Area Commission for the Berkeley-Charleston-Dorchester Technical Education Center (the Area Commission). The Area Commission shall have the functions and duties hereafter set forth in this article. The Area Commission shall be comprised of nine members —three of whom shall be qualified electors of Berkeley, Charleston, and Dorchester Counties, respectively. The members from each county shall be appointed by the Governor upon the recommendation of a majority of the legislative delegations of the respective counties. Of the initial appointees one member from each county shall have a term of one year, one from each county shall have a term of two years, and one from each county shall have a term of three years. Upon the expiration of the initial terms, successors shall be appointed in the manner hereinabove provided for terms of three years. All members shall hold office until their successors shall have been appointed and shall have qualified. In the event of a vacancy, a successor shall be appointed in the manner of original appointments for the remainder of the term for which the vacancy shall be filled. The Area Commission shall meet as soon after appointment as practicable and shall organize by electing a chairman and such other officers as it deems necessary. The Area Commission shall thenceforth meet upon the call of the chairman or a majority of its members. It shall make periodic reports of its activities and progress to the legislative delegation from the counties of Berkeley, Charleston and Dorchester.

HISTORY: 1962 Code § 21-707; 1962 (52) 1990; 1963 (53) 78.

Cross references—

As to assumption of assets and liabilities of Advisory Committee for Technical Training by State Board for Technical and Comprehensive Education, see § 59–53–40.

ATTORNEY GENERAL'S OPINIONS

A Technical Training District may properly be considered a school district as that term is used in the U. S. Department of Commerce Rules and Regulations. 1976–77 Op Atty Gen, No 77-172, p 136.

§ 59-53-420. Powers of Area Commission.

There is hereby committed to the Area Commission the function of promoting the program contemplated by the former provisions which created the Advisory Committee for Technical Training, in and for the counties of Berkeley, Charleston and Dorchester, and without in any way limiting the generality of the foregoing it shall be empowered as follows:

(1) To adopt and use a corporate seal.

(2) To adopt such bylaws, rules and regulations for the conduct of business and the expenditure of its funds as it may deem advisable.

(3) To acquire an appropriate site and to construct and equip thereon appropriate facilities, in accordance with standards and specifications contemplated by the former provisions which created the Advisory Committee for Technical Training.

(4) To acquire by gift, or purchase, or otherwise, all kinds and descriptions of real and personal property.

(5) To accept gifts, grants, donations, devises and bequests.

(6) To provide appropriate supervision of the maintenance of any facility established to promote vocational or technical education.

(7) To provide the necessary administrative services required by the State program.

(8) To employ such personnel as may be necessary to enable the Area Commission to fulfill its functions.

(9) To establish, promulgate and enforce reasonable rules and regulations, in conjunction with those promulgated by the State agency, for the operation of its facilities.

(10) To operate its affairs on a fiscal year beginning on July first in each year and ending on June thirtieth of the succeeding calendar year.

(11) To expend any funds received in any manner consistent with their approved budget, including the proceeds derived from any bonds issued by Berkeley, Charleston and Dorchester Counties to defray any costs incident to the establishment of adequate facilities for the program, and thereafter to expend such funds for the operation, maintenance and improvement of the facilities.

(12) To apply for, receive, and expend moneys from all governmental agencies, both State and Federal.

(13) To exercise all powers contemplated for local agencies by the former provisions which created the Advisory Committee for Technical Training.

(14) To exercise the power of eminent domain in the manner provided by the general laws of this State for procedure by any county, municipality or authority organized under the laws of this State, by the State Highway Department, by railroad corporations or in any manner provided by law, as the council may, in its discretion, elect, including the procedure provided by Chapter 5, Title 28 (§§ 28-5-10 to 28-5-390).

HISTORY: 1962 Code § 21-707.1; 1962 (52) 1990; 1963 (53) 78; 1966 (54) 2782.

Editor's Note—

The powers and duties of the former Advisory Committee for Technical Training have devolved upon the State Board for Technical and Comprehensive Education. See § 59-53-40. The former Committee was responsible for the development and implementation of an adequate vocational and technical training program which, under former 1962 Code § 21-702, included the following:

"(1) A crash program coordinated with the State's industrial expansion effort which will provide immediate training for established industries and provide immediate training for particular industries;

(2) Increased emphasis on industrial arts programs and basic industrial vocational programs within existing high school curriculums;

(3) Technical training programs primarily designed to train high school graduates as technicians for initial employment in industry; and

(4) Provision of trade extension courses to persons who desire employment in industries and also to those presently employed who wish to improve their skills.

The Committee shall cooperate with the State Development Board and the State Department of Education in the carrying out of these programs. The Committee may purchase such equipment, hire such personnel, including an industrial engineer, enter into such contracts, make such rules and regulations and may do such other things as may be necessary in order to carry out the provisions of this article, subject to the approval of the State Board of Education."

§ 59–53–430. Accounts of Area Commission; audits.

The Area Commission shall at all times keep full and accurate accounts of its acts and of its receipts and expenditures, and at least once within four months following the close of its fiscal year, a complete audit of its affairs shall be made by a qualified public accountant. Copies of the audit shall be delivered to the legislative delegations and governing agencies of Berkeley, Charleston and Dorchester Counties.

HISTORY: 1962 Code § 21-707.2; 1962 (52) 1990; 1963 (53) 78.

§ 59–53–440. Budgets.

The Area Commission shall submit a budget for the ensuing fiscal year on or before February fifteenth of each year for approval by each of the respective legislative delegations from Berkeley, Charleston and Dorchester Counties.

HISTORY: 1962 Code § 21-707.3; 1962 (52) 1990; 1963 (53) 78.

CHESTERFIELD-MARLBORO AREA TECHNICAL EDUCATION CENTER COMMITTEE

§ 59–53–510. Creation of Commission; membership.

There is hereby created the Chesterfield-Marlboro Area Technical Education commission for Chesterfield and Marlboro counties which shall be a body politic and corporate and shall be the governing body of the Chesterfield-Marlboro Area Technical Education College. The commission shall consist of eleven members, six of whom shall be registered electors of Chesterfield County and three of whom shall be registered electors of Marlboro County. Appointment of these nine members shall be made by the Governor upon the recommendation of a majority of the legislative delegation from the county in which the appointee is a resident for terms of three years and until their successors are appointed and qualify. Vacancies shall be filled in the manner of the original appointmemt for the unexpired portion of the term only. The superintendents of education from Chesterfield and Marlboro counties shall serve ex officio as members of the commission.

HISTORY: 1979 Act No. 9 eff February 19, 1979.

Effect of Amendments—

The **1979** amendment changed the name of the body from "Chesterfield-Marlboro Area Technical Education Center Committee" and increased the membership from nine to eleven.

ATTORNEY GENERAL'S OPINIONS

A Technical Training District may properly be considered a school district as that term is used in the U. S. Department of Commerce Rules and Regulations. 1976–77 Op Atty Gen, No 77-172, p 136.

§ 59–53–520. Administration of program of vocational and technical education.

The Committee shall constitute the administrative agency to administer the program of vocational and technical education in Chesterfield and Marlboro Counties under the former provisions which created the Advisory Committee for Technical Training.

HISTORY: 1962 Code § 21-707.52; 1967 (55) 479.

§ 59–53–530. Powers and duties of Committee.

The Committee may do all things necessary or convenient to promote the objects of the program instituted by the former provisions which created the Advisory Committee for Technical Training and without in any way limiting the generality of the foregoing, may:

(1) Adopt and use a corporate seal;

(2) Adopt such bylaws, rules and regulations for the conduct of business and the expenditure of its funds as it may deem advisable;

(3) Acquire additional sites within Chesterfield and Marlboro Counties and construct and equip thereon appropriate facilities in accordance with the standards and specifications promulgated by former provisions which created the State Advisory Committee;

(4) Acquire by gift, purchase or otherwise all kinds and descriptions of real and personal property;

(5) Accept gifts, grants, donations, devises and bequests;

(6) Provide appropriate supervision of the maintenance of any facility established to promote vocational or technical education;

(7) Provide the necessary administrative services required by the State program;

(8) Employ such personnel as may be necessary to enable the Area Committee to fulfill its functions;

(9) Establish, promulgate and enforce reasonable rules and regulations, in conjunction with those promulgated by the State agency, for the operation of its facilities;

(10) Expend any funds received in any manner, including the proceeds derived from any bonds issued either by Chesterfield County or Marlboro County to defray any costs incident to the establishment of adequate facilities for the program and thereafter expend such funds for the operation, maintenance and improvement of the facilities;

(11) Apply for, receive and expend moneys from all governmental agencies, both State and Federal; and

(12) Exercise all powers contemplated for local agencies by the former provisions which created the State Advisory Committee for Technical Training, and all other laws modifying, amending or implementing it.

HISTORY: 1962 Code § 21-707.53; 1967 (55) 479.

Editor's Note—

The powers and duties of the former Advisory Committee for Technical Training have devolved upon the State Board for Technical and Comprehensive Education. See § 59-53-40. The former Committee was responsible for the development and implementation of an adequate vocational and technical training program which, under former 1962 Code § 21-702, included the following:

"(1) A crash program coordinated with the State's industrial expansion effort which will provide immediate training for established industries and provide immediate training for particular industries;

(2) Increased emphasis on industrial arts programs and basic industrial vocational programs within existing high school curriculums;

(3) Technical training programs primarily designed to train high school graduates as technicians for initial employment in industry; and

(4) Provision of trade extension courses to persons who desire employment in industries and also to those presently employed who wish to improve their skills.

The Committee shall cooperate with the State Development Board and the State Department of Education in the carrying out of these programs. The Committee may purchase such equipment, hire such personnel, including an industrial engineer, enter into such contracts, make such rules and regulations and may do such other things as may be necessary in order to carry out the provisions of this article, subject to the approval of the State Board of Education."

ATTORNEY GENERAL'S OPINIONS

Directors/presidents of Technical Education Centers are State employees and are, therefore, subject to provisions relating to salary supplements applicable to such employees. 1974-75 Op Att'y Gen, No 4171, p 230.

§ 59-53-540. Accounts of Committee; audit.

The Committee shall at all times keep full and accurate accounts of its acts, receipts and expenditures and at least once within four months following the close of its fiscal year a complete audit of its affairs shall be made by a qualified public accountant. Copies of the audit shall be delivered to the legislative delegations and the governing bodies of Chesterfield and Marlboro Counties.

HISTORY: 1962 Code § 21-707.54; 1967 (55) 479.

ATTORNEY GENERAL'S OPINIONS

Fees received by Technical Education Centers are, with certain specific statutory exceptions, State Monies and are required to be deposited with the State Treasurer. 1974-75 Op Att'y Gen, No 4186, p 240.

§ 59-53-550. Budget.

The Committee shall submit a budget for the ensuing fiscal year on or before February fifteenth of each year for approval by each of the respective legislative delegations from Chesterfield and Marlboro Counties.

HISTORY: 1962 Code § 21-707.55; 1967 (55) 479.

Denmark Technical College Area Commission

Sec.

59–53–610. Denmark Technical College Area Commission created; members; terms.
59–53–620. Selection of members.
59–53–630. Powers of Commission.
59–53–640. Commission to maintain record of its receipts and expenditures; reports to be filed; audits to be conducted.

§ 59–53–610. Denmark Technical College Area Commission created; members; terms.

There is created the Denmark Technical College Area Commission which shall serve as the governing body of Denmark Technical College. The commission is a body politic and corporate and consists of eight members who shall be appointed in the manner hereinafter specified. Two members must be residents of Allendale County who shall be appointed by the Governor upon the recommendation of a majority of the members of the General Assembly representing Allendale County. Two members must be residents of Bamberg County who shall be appointed by the Governor upon the recommendation of a majority of the members of the General Assembly representing Bamberg County. Two members must be residents of Barnwell County who shall be appointed by the Governor upon the recommendation of a majority of the members of the General Assembly representing Barnwell County. Two members shall be appointed at large without regard to county of residence by the Governor upon the advice and consent of the Senate. In addition, the member of the State Board for Technical and Comprehensive Education from the third congressional district is a member of the commission ex officio. The members of the commission shall be appointed for terms of four years each and until their successors are appointed and qualify, except that the two at-large members shall serve initial terms of one year each, the two members from Allendale County shall serve initial terms of two years each, the two members from Bamberg County shall serve initial terms of three years each, and the two members from Barnwell County shall serve initial terms of four years each.

Any vacancy shall be filled in the manner of the original appointment for the unexpired portion of the term only. As soon as possible after the initial appointments have been made, the commission shall organize by electing one of its members as chairman, one as vice chairman, and one as secretary. The terms of the initial appointees are extended so that all terms expire on the first of July of the appropriate year.

HISTORY: 1983 Act No. 135 § 1, eff June 17, 1983.

§ 59–53–620. Selection of members.

In the selection of members of the commission and in the selection of members of the governing body of all other technical colleges of this State, members shall be selected based on merit regardless of race, color, creed, or gender and the appointing or electing authority shall strive to assure that the membership of that governing body is broadly representative of all the citizens of the county or counties involved.

HISTORY: 1983 Act No. 135 § 2, eff June 17, 1983.

§ 59–53–630. Powers of Commission.

The commission has the same powers as provided by Article 1, Chapter 53, Title 59 of the 1976 Code, and in addition must prepare and submit its annual budget for approval to the State Board of Technical and Comprehensive Education. Denmark Technical College shall be funded in accordance with the provisions of Section 6 of Act 654 of 1976.

HISTORY: 1983 Act No. 135 § 3, eff June 17, 1983.

§ 59–53–640. Commission to maintain record of its receipts and expenditures; reports to be filed; audits to be conducted.

The commission must at all times keep full and accurate account of its acts and of its receipts and expenditures and at least once within four months following the close of its fiscal year, a complete audit of its affairs must be made by a qualified public accountant. Copies of the audit must be filed with the State Board of Technical and Comprehensive Education.

HISTORY: 1983 Act No. 135 § 4, eff June 17, 1983.

Related Local Laws—

As to a local law permitting children eligible to attend school who reside in a defined area of Lexington County, see the Local Law Index.

AREA COMMITTEE FOR TECHNICAL EDUCATION CENTER FOR FLORENCE AND DARLINGTON COUNTIES

§ 59–53–710. Area committee as a body politic and corporate; membership.

The area committee for the technical education center for Florence and Darlington Counties shall be a body politic and corporate and shall consist of ten members, who shall be qualified registered electors of Darlington and Florence Counties; *provided*, that not more than five members may be registered qualified electors of one county. The appointment to office of the area committee shall be made by the Governor upon the recommendation of a majority of the legislative delegation, including the Senator, from the county of which the appointee is a resident. Upon the expiration of the terms of office of the present members of the area committee, their successors shall be appointed for terms of three years in the manner provided for in this section. If any vacancy shall occur, a successor shall be appointed by the Governor, upon the recommendation of a majority of the legislative delegation, including the Senator, from the county of which the appointee is a resident, for the unexpired portion of the term. The members of the area committee shall hold office until their successors are appointed and qualify.

HISTORY: 1962 Code § 21-708; 1963 (53) 253; 1964 (53) 2230; 1970 (56) 2039.

§ 59–53–720. Administration of program of vocational and technical education.

The committee shall constitute the administrative agency to administer the program of vocational and technical education in Darlington and Florence Counties under the former provisions which created the Advisory Committee for Technical Training.

HISTORY: 1962 Code § 21-708.1; 1963 (53) 253.

Cross references—

As to assumption of assets and liabilities of Advisory Committee for Technical Training by State Board for Technical and Comprehensive Education, see § 59–53–40.

ATTORNEY GENERAL'S OPINIONS

Directors/presidents of Technical Education Centers are State employees and are, therefore, subject to provisions relating to salary supplements applicable to such employees. 1974–75 Op Att'y Gen, No 4171, p 230.

§ 59–53–730. Powers and duties of committee.

The committee may do all things necessary or convenient to promote the objects of the program instituted by the former provisions which created the Advisory Committee for Technical Training, and without in any way limiting the generality of the foregoing, may:

(1) Adopt and use a corporate seal;

(2) Adopt such bylaws, rules and regulations for the conduct of business and the expenditure of its funds as it may deem advisable;

(3) Acquire additional sites within Darlington and Florence Counties and construct and equip thereon appropriate facilities in accordance with the standards and specifications promulgated by the former State Advisory Committee;

(4) Acquire by gift, purchase, or otherwise, all kinds and descriptions of real and personal property;

(5) Accept gifts, grants, donations, devises and bequests;

(6) Provide appropriate supervision of the maintenance of any facility established to promote vocational or technical education;

(7) Provide the necessary administrative services required by the State program;

(8) Employ such personnel as may be necessary to enable the area committee to fulfill its functions;

(9) Establish, promulgate and enforce reasonable rules and regulations, in conjunction with those promulgated by the State agency, for the operation of its facilities;

(10) Expend any funds received in any manner, including the proceeds derived from any bonds issued by either Darlington County or Florence County to defray any costs incident to the establishment of adequate facilities for the program, and thereafter expend such funds for the operation, maintenance and improvement of the facilities;

(11) Apply for, receive, and expend moneys from all governmental agencies, both State and Federal; and

(12) Exercise all powers contemplated for local agencies by the former provisions which created the Advisory Committee for Technical Training, and all other laws modifying, amending or implementing it.

HISTORY: 1962 Code § 21-708.2; 1963 (53) 253.

Editor's Note—

The powers and duties of the former Advisory Committee for Technical Training have devolved upon the State Board for Technical and Comprehensive Education. See § 59-53-40. The former Committee was responsible for the development and implementation of an adequate vocational and technical training program which, under former 1962 Code § 21-702, included the following:

"(1) A crash program coordinated with the State's industrial expansion effort which will provide immediate training for established industries and provide immediate training for particular industries;

(2) Increased emphasis on industrial arts programs and basic industrial vocational programs within existing high school curriculums;

(3) Technical training programs primarily designed to train high school graduates as technicians for initial employment in industry; and

(4) Provision of trade extension courses to persons who desire employment in industries and also to those presently employed who wish to inprove their skills.

The Committee shall cooperate with the State Development Board and the State Department of Education in the carrying out of these programs. The Committee may purchase such equipment, hire such personnel, including an industrial engineer, enter into such contracts, make such rules and regulations and may do such other things as may be necessary in order to carry out the provisions of this article, subject to the approval of the State Board of Education."

(R825, H2339) **No. 743**

An Act To Create The Greenville County Commission For Technical Education And To Define Its Functions.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly finds that by Section 23 of Act 323 of the Acts of 1961, a program looking to the establishment of adequate vocational and technical educational facilities in the State, intended to coordinate with the industrial expansion of South Carolina, was instituted on a basis requiring cooperation between the State agency therein created and counties or areas within the State. It is specifically required therein that in order for any county or area to comply with the program and thus to receive the benefits of the program, it must make available, and operate adequate facilities, and at the same time provide for adequate local supervision. The General Assembly further finds that there is an immediate need for the institution of the program in Greenville County wherein the continued expansion of industrial activity has created an unusual need for persons with technical training, and that the furtherance of vocational and technical education in Greenville County should be promptly advanced. It has, therefore, determined to establish for Greenville County a commission to be known as the "Greenville County Commission for Technical Education" as an administrative agency of Greenville County, and to prescribe for the Commission its functions.

SECTION 2. Greenville County Commission for Technical Education created — appointments — terms — vacancies.—There is hereby created, as an administrative agency of Greenville County a commission, to be known as the "Greenville County Commission for Technical Education" (hereinafter referred to as the "Commission"), which shall consist of nine qualified registered electors of Greenville County. All appointments to office of the Commission shall be made by the Governor, upon the recommendation of a majority of the legislative delegation, including the Senator, from Greenville County. Of those first appointed, three shall have a term of one year, three shall have a term of two years, and three shall have a term of three years. Upon the expiration of the terms of office of those first appointed, successors shall be appointed for terms of three years in the same manner as those originally appointed. If any vacancy shall arise, a successor shall be appointed by the Governor for the balance of the unexpired term in the same manner as the original appointments were made. The members of the Commission shall hold office until their successors shall have been appointed and shall qualify. All terms of office shall terminate on the appropriate anniversary of the effective date of this act, notwithstanding that a delay in making appointments shall lessen the duration of the terms of office. As soon as the initial appointments have been made, the Commission shall organize by electing one of its members as Chairman, another as Vice Chairman, and a third as Secretary. A transcript of the record of the initial organization shall be filed with the Clerk of Court of Greenville County in order to reflect the initial membership of the Commission and those who shall become its officers.

SECTION 3. Powers and duties.—The Commission is hereby authorized and empowered to do all things necessary or convenient to promote the objects of the program instituted by Section 23 of Act 323 of 1961, and without in any way limiting the generality of the foregoing, shall be empowered as follows:

(1) To adopt and use a corporate seal.

(2) To adopt such bylaws, rules and regulations for the conduct of business and the expenditure of its funds as it may deem advisable.

(3) To acquire a site within Greenville County and to construct and equip thereon appropriate facilities in accordance with the standards and specifications promulgated by the State Advisory Committee established by Section 23 of Act 323 of 1961.

(4) To acquire by gift, or purchase, or otherwise, all kinds and descriptions of real and personal property.

(5) To accept gifts, grants, donations, devises and bequests.

(6) To provide appropriate supervision of the maintenance of any facility established to promote vocational or technical education.

(7) To provide the necessary administrative services required by the State program.

(8) To employ such personnel as may be necessary to enable the Commission to fulfill its functions.

(9) To establish, promulgate and enforce reasonable rules and regulations, in conjunction with those promulgated by the State agency, for the operation of its facilities.

(10) To operate its affairs on a fiscal year coinciding with that of Greenville County.

(11) To expend any funds received in any manner, including the proceeds derived from any bonds issued by Greenville County to defray any costs incident to the establishment of adequate facilities for the program, and thereafter to expend such funds for the operation, maintenance and improvement of the facilities.

(12) To apply for, receive, and expend moneys from all governmental agencies, both State and Federal.

(13) To exercise all powers contemplated for local agencies by Section 23 of Act 323 of 1961, and all other laws modifying, amending or implementing it.

SECTION 4. Records and audit.—The Commission shall at all times keep full and accurate account of its acts and of its receipts and expenditures, and at least once within four months, following the close of its fiscal year, a complete audit of its affairs shall be made by a qualified public accountant. Copies of the audit shall be filed with the Clerk of Court for Greenville County and with the Secretary of the Greenville County Legislative Delegation.

SECTION 5. Reports.—Not less frequently than annually the Commission shall make a written report of the activities of the Commission and file a copy with the Secretary of the Greenville County Legislative Delegation.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 12th day of March, 1962.

(R266, S378)

No. 193

An Act To Amend Act No. 743, Acts And Joint Resolutions Of 1962, Creating The Greenville County Commission For Technical Education And Defining Its Functions, So As To Expand The Powers And Duties Of The Commission With Regard To Relations With Institutions Of Higher Learning And The Establishment Of Certain College Courses.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 3 of Act 743 of 1962 amended—subsections (14), (15) and (16) added—additional powers.—Section 3 of Act No. 743 of the Acts of 1962 is amended so as to expand the powers and duties of the Greenville County Commission for Technical Education by adding subsections (14), (15) and (16) at the end thereof, as follows:

"(14) To encourage and assist in the promotion of higher education in Greenville County and adjacent areas including, but not limited to, the establishment in Greenville County of facilities to offer standard freshman and sophomore courses at the college level and such other courses as may be deemed desirable.

(15) To enter into contracts and negotiate with educators and educational institutions and take other necessary actions to secure for Greenville County the educational facilities and courses described in subsection (14); *provided,* that Greenville County shall not be bound by or held liable for any acts of commission or omission of the Commission, nor any contract provision or agreement, expressed or implied, except upon written approval and consent of a majority of the Greenville County Legislative Delegation, including the Senators.

(16) To appoint from Greenville County and adjacent areas an advisory committee on higher education to assist and advise the Commission on such matters as the Commission may deem necessary."

When so amended, Section 3 shall read:

"Section 3. The Commission is hereby authorized and empowered to do all things necessary or convenient to promote the objects of the program instituted by Section 23 of Act 323 of 1961, and without in any way limiting the generality of the foregoing, shall be empowered as follows:

(1) To adopt and use a corporate seal.

(2) To adopt such bylaws, rules and regulations for the conduct of business and the expenditure of its funds as it may deem advisable.

(3) To acquire a site within Greenville County and to construct and equip thereon appropriate facilities in accordance with the standards and specifications promulgated by the State Advisory Committee established by Section 23 of Act 323 of 1961.

(4) To acquire by gift, or purchase, or otherwise, all kinds and descriptions of real and personal property.

(5) To accept gifts, grants, donations, devises and bequests.

(6) To provide appropriate supervision of the maintenance of any facility established to promote vocational or technical education.

(7) To provide the necessary administrative services required by the State program.

(8) To employ such personnel as may be necessary to enable the Commission to fulfill its functions.

(9) To establish, promulgate and enforce reasonable rules and regulations, in conjunction with those promulgated by the State agency, for the operation of its facilities.

(10) To operate its affairs on a fiscal year coinciding with that of Greenville County.

(11) To expend any funds received in any manner, including the proceeds derived from any bonds issued by Greenville County to defray any costs incident to the establishment of adequate facilities for the program, and thereafter to expend such funds for the operation, maintenance and improvement of the facilities.

(12) To apply for, receive, and expend moneys from all governmental agencies, both State and Federal.

(13) To exercise all powers contemplated for local agencies by Section 23 of Act 323 of 1961, and all other laws modifying, amending or implementing it.

(14) To encourage and assist in the promotion of higher education in Greenville County and adjacent areas including, but not limited to, the establishment in Greenville County of facilities to offer standard freshman and sophomore courses at the college level and such other courses as may be deemed desirable.

(15) To enter into contracts and negotiate with educators and educational institutions and take other necessary actions to secure for Greenville County the educational facilities and courses described in subsection (14); *provided*, that Greenville County shall not be bound by or held liable for any acts of commission or omission of the Commission, nor any contract provision or agreement, expressed or implied, except upon written approval and consent of a majority of the Greenville County Legislative Delegation, including the Senators.

(16) To appoint from Greenville County and adjacent areas an advisory committee on higher education to assist and advise the Commission on such matters as the Commission may deem necessary."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 25th day of April, 1967.

(R1271, H2860)

No. 1141

An Act To Amend Act No. 743 Of 1962, As Amended, Relating To The Greenville County Commission For Technical Education, So As To Modify The Membership Of The Commission.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Greenville County Commission for Technical Education—membership.—Section 2 of Act No. 743 of 1962 is amended so as to modify the membership of the Greenville County Commission for Technical Education by striking the section in its entirety and inserting in lieu thereof the following:

"Section 2. There is hereby created, as an administrative agency of Greenville County a commission, to be known as the 'Greenville County Commission for Technical Education' (hereinafter referred to as the 'Commission'), which shall consist of nine members as follows: seven qualified registered electors of Greenville County who shall be appointed by the Governor, upon the recommendation of a majority of the legislative delegation from Greenville County, and the Chairman of the Board of Trustees and the Superintendent of Education of the School District of Greenville County who shall serve ex officio. Of those first appointed, two shall have a term of one year, two shall have a term of two years, and three shall have a term of three years. Upon the expiration of the terms of office of those first appointed, successors shall be appointed for terms of three years in the same manner as those originally appointed. If any vacancy shall arise, a successor shall be appointed by the Governor for the balance of the unexpired term in the same manner as the original appointments were made. The members of the Commission shall hold office until their successors shall have been appointed and shall qualify. All terms of office shall terminate on the appropriate anniversary of the effective date of this act, notwithstanding that a delay in making appointments shall lessen the duration of the terms of office. As soon as the initial appointments have been made, the Commission shall organize by electing one of its members as chairman, another as vice chairman, and a third as secretary. A transcript of the record of the initial organization shall be filed with the Clerk of Court of Greenville County in order to reflect the initial membership of the Commission and those who shall become its officers."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 26th day of April, 1968.

(R1026, H2483)

No. 966

An Act To Authorize The School District Of Greenville County, Greenville County Commission For Technical Education And The Governing Bodies Of All Special Purpose Districts To Purchase Insurance Annuity Contracts For Their Employees, And To Ratify Certain Acts Of The District.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Annuity contracts.—The School District of Greenville County, Greenville County Commission for Technical Education and the governing bodies of all special purpose districts may enter into agreements to pay, at the request of its employees, a part of the incomes of such employees not to exceed the exclusion allowance provided in Section 403(b) (2) of the Internal Revenue Code of the United States for the purchase of annuity contracts from insurers licensed to do business in South Carolina.

SECTION 2. Certain contracts ratified.—Any annuity contracts heretofore entered into by the school district in compliance with the terms of this act are hereby ratified.

SECTION 3. Not to affect certain code sections.—The provisions of this act shall not affect Sections 61-1 (16), 61-62, 61-80, as amended, or Sections 61-226(1) and 61-235 of the 1962 Code.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 26th day of March, 1970.

Horry-Georgetown Commission for Technical Education

Sec.
59-53-810. Creation of Commission; membership; officers.
59-53-820. Technical educational center; reversion on dissolution.
59-53-830. Powers and duties of Commission.
59-53-840. Accounts of Commission; audit.
59-53-850. Annual reports.
59-53-860. Treasurer of Horry County authorized to provide revolving loan account to Horry County Technical Education Commission.

§ 59-53-810. Creation of Commission; membership; officers.

There is hereby created, as a body politic and corporate of Horry and Georgetown Counties, a commission to be known as the "Horry-Georgetown Commission for Technical Education" (hereinafter referred to as the "Commission"), which shall consist of six qualified registered electors of Horry County and three of Georgetown County. All appointments to office of the Commission shall be made by the Governor, upon the recommendation of a majority of the legislative delegation, including the resident Senator of the respective counties from which members are appointed. Of those first appointed for Horry County, two members shall have terms of one year each, two members shall have terms of two years each, and two members shall have terms of three years each; and of those first appointed from Georgetown County, one member shall have a term of one year, one member shall have a term of two years, and one member shall have a term of three years. Thereafter, their successors shall be appointed for terms of three years in the same manner as those originally appointed. If any vacancy shall arise, a successor shall be appointed by the Governor for the balance of the unexpired term in the same manner as the original appointments were made. The members of the Commission shall hold office until their successors shall have been appointed and shall qualify. Initial terms of office shall commence July 1, 1963 as to members from Horry County, and July 1, 1966 as to members from Georgetown County, notwithstanding that a delay in making appointments shall lessen the duration of the terms of office. A transcript of the record of the initial organization shall be filed with the clerk of court in order to reflect the initial membership of the Commission and those who shall become its officers. *Provided,* that the present members and officers of the Horry-Marion Technical Education Commission from Horry County are hereby designated as members of the Commission and shall hold office for the term for which each was originally appointed or elected. *Provided, further,* the Commission shall elect one of its members as chairman, another as vice-chairman, and a third as secretary. Those elected to these offices, prior to June 8, 1966, shall continue to serve in such capacity until such time as their successors are to be elected.

HISTORY: 1962 Code § 21-708.16; 1964 (53) 2236; 1966 (54) 2739; 1967 (55) 29.

Editor's Note—

Section 1 of 1964 Act No. 993 (1964 (53) 2236), contains legislative findings relative to this article, and provides:

"The General Assembly finds that by Sections 21-701 through 21-703 of the 1962 Code [since repealed], a program looking to the establishment of adequate vocational and technical education facilities in the State, intended to coordinate with the industrial expansion of South Carolina, was instituted on a basis requiring cooperation between the State agency therein created and counties or areas within the State. It is specifically required therein that in order for any county or area to comply with the program and thus to receive the benefits of the program, it must make available, and operate adequate facilities, and at the same time provide for adequate local supervision."

ATTORNEY GENERAL'S OPINIONS

A Technical Training District may properly be considered a school district as that term is used in the U. S. Department of Commerce Rules and Regulations. 1976–77 Op Atty Gen, No 77-172, p 136.

§ 59–53–820. Technical educational center; reversion on dissolution.

The Commission shall provide for the creation, maintenance, and operation of a technical educational center. The counties shall provide the funds necessary to construct and maintain the center, the ownership of which shall revert to the governing bodies of Horry and Georgetown Counties, in proportion to their respective contributions, in the event of dissolution of the Commission. There shall be developed and carried out at such center the following:

A program coordinated with our industrial expansion effort which will provide immediate training for established industries and provide immediate training for particular industries in accordance with the former provisions which created the Advisory Committee for Technical Training.

HISTORY: 1962 Code § 21-708.17; 1964 (53) 2236; 1966 (54) 2739.

Cross references—

As to assumption of assets and liabilities of Advisory Committee for Technical Training by State Board for Technical and Comprehensive Education, see § 59–53–40.

§ 59–53–830. Powers and duties of Commission.

When funds are appropriated by the General Assembly the Commission is authorized and empowered to do all things necessary or convenient to promote the objects of the program instituted by the former provisions which created the Advisory Committee for Technical Training, and without in any way limiting the generality of the foregoing, shall be empowered as follows:

(1) To adopt and use a corporate seal.

(2) To adopt such bylaws, rules and regulations for the conduct of business and the expenditure of appropriated funds as it may deem advisable.

(3) To acquire by gift, purchase, devise, lease, or otherwise, any real and personal property, and to hold, use, lease, or mortgage this property, or an interest therein; provided, that before any mortgage is executed, approval by the governing bodies of Horry and Georgetown Counties must first be obtained.

(4) To accept gifts, grants, donations, devises and bequests.

(5) To provide appropriate supervision of the maintenance of any facility established to promote vocational or technical education.

(6) To provide the necessary administrative services required by the State program.

(7) To employ such personnel as may be necessary to enable the Commission to fulfill its functions.

(8) To establish, promulgate, and enforce reasonable rules and regulations, in conjunction with those promulgated by the State agency for the operation of its facilities.

(9) To operate its affairs on a fiscal year coinciding with that of the two counties involved.

(10) To expend any funds received in any manner, including the proceeds derived from any bonds which may be issued by Horry County or Georgetown County to defray any costs incident to the establishment of adequate facilities for the program, and thereafter to expend such funds as may be appropriated for the operation, maintenance, and improvement of the facilities.

(11) To apply for, receive, and expend moneys from all governmental agencies, both State and Federal.

(12) To exercise all powers contemplated for local agencies by the former provisions which created the Advisory Committee for Technical Training, and all other laws modifying, amending or

implementing it; *provided*, the Commission shall not cause any encumbrance to be put on any property under its control.

HISTORY: 1962 Code § 21-708.18; 1964 (53) 2236; 1966 (54) 2739.

Editor's Note—

The powers and duties of the former Advisory Committee for Technical Training have devolved upon the State Board for Technical and Comprehensive Education. See § 59–53–40. The former Committee was responsible for the development and implementation of an adequate vocational and technical training program which, under former 1962 Code § 21-702, included the following:

"(1) A crash program coordinated with the State's industrial expansion effort which will provide immediate training for established industries and provide immediate training for particular industries;

(2) Increased emphasis on industrial arts programs and basic industrial vocational programs within existing high school curriculums;

(3) Technical training programs primarily designed to train high school graduates as technicians for initial employment in industry; and

(4) Provision of trade extension courses to persons who desire employment in industries and also to those presently employed who wish to improve their skills.

The Committee shall cooperate with the State Development Board and the State Department of Education in the carrying out of these programs. The Committee may purchase such equipment, hire such personnel, including an industrial engineer, enter into such contracts, make such rules and regulations and may do such other things as may be necessary in order to carry out the provisions of this article, subject to the approval of the State Board of Education."

HISTORY: 1987 Act No. 112 § 1, eff May 26, 1987.

Effect of Amendment—

The **1987** amendment rewrote item (3) so as to provide the commission with powers in regard to acquisition and use of real and personal property, and the manner in which mortgage on property must be executed.

§ 59–53–840. Accounts of Commission; audit.

The Commission shall at all times keep full and accurate account of its acts and of its receipts and expenditures, and at least once within four months, following the close of its fiscal year, a complete audit of its affairs shall be made by a qualified public accountant. Copies of the audit shall be filed with the secretary of each county legislative delegation.

HISTORY: 1962 Code § 21-708.19; 1964 (53) 2236; 1966 (54) 2739.

ATTORNEY GENERAL'S OPINIONS

Fees received by Technical Education Centers are, with certain specific statutory exceptions, State Monies and are required to be deposited with the State Treasurer. 1974–75 Op Att'y Gen, No 4186, p 240.

§ 59–53–850. Annual reports.

Not less frequently than annually the Commission shall make a written report of the activities of the Commission and file a copy with each member of the legislative delegations.

HISTORY: 1962 Code § 21-708.20; 1964 (53) 2236; 1966 (54) 2739.

§ 59–53–860. Treasurer of Horry County authorized to provide revolving loan account to Horry County Technical Education Commission.

The treasurer of Horry County is hereby authorized to provide from the general funds of the county a revolving loan account to the Horry County Technical Education Commission in an amount not to exceed seventy-five hundred dollars.

HISTORY: 1962 Code § 21-708.20:1; 1967 (55) 327.

ORANGEBURG-CALHOUN AREA TECHNICAL EDUCATION COMMISSION

SEC.
59-53-1010. Creation of Commission; membership; officers.
59-53-1020. Development of vocational technical training program.
59-53-1030. Powers of Commission.
59-53-1040. Accounts of Commission; audits.
59-53-1050. Reports.
59-53-1060. Apportionment of expenses.

§ 59-53-1010. Creation of Commission; membership; officers.

There is hereby created in Orangeburg and Calhoun Counties the Orangeburg-Calhoun Area Technical Education Commission. The Commission shall be a body politic and corporate, and shall consist of seven members. Each member shall be appointed by the Governor, upon the recommendation of a majority of the resident members of the legislative delegation of his county, and each member shall be a qualified registered elector of the county he represents. Five members shall be appointed from Orangeburg County for terms of four years and until their successors are appointed and qualify, except that of those first appointed, two shall serve for two years, two shall serve for three years and one shall serve for four years. Two members shall be appointed from Calhoun County for terms of four years and until their successors are appointed and qualify, except that of those first appointed, one shall serve for two years and one shall serve for four years. The length of the initial terms of the members shall be determined by lot. Any vacancy shall be filled in the manner of the original appointment for the unexpired portion of the term only. As soon as possible after the initial appointments have been made, the Commission shall organize by electing one of its members as chairman, one as vice-chairman, and one as secretary. A transcript of the record of the initial organization shall be filed with the clerk of court of each county. The terms of the initial appointees shall be extended so that all terms will expire on the first of July of the appropriate year.

HISTORY: 1962 Code § 21-708.20:11; 1966 (54) 2385.

§ 59–53–1020. Development of vocational technical training program.

The Commission shall be responsible for a full and exhaustive study looking to the development and implementation of an adequate vocational and technical training program, which shall include, but not be limited to, the following: A program coordinated with our industrial expansion effort which will provide immediate training for established industries and provide immediate training for particular industries. The Commission, in carrying out this program, shall cooperate with all State and Federal agencies designed to further technical education.

HISTORY: 1962 Code § 21-708.20:12; 1966 (54) 2385.

§ 59–53–1030. Powers of Commission.

When funds are appropriated by the General Assembly, the Commission is authorized and empowered to do all things necessary or convenient to promote the objects of the program instituted by the former provisions which created the Advisory Committee for Technical Training and, without in any way limiting the generality of the foregoing, shall be empowered as follows:

(1) To adopt and use a corporate seal;

(2) To adopt such bylaws, rules and regulations for the conduct of business and the expenditure of appropriated funds as it may deem advisable;

(3) When funds are made available by the General Assembly, to acquire a site within Orangeburg County and to construct and equip thereon appropriate facilities in accordance with the standards and specifications promulgated by the former State Advisory Committee;

(4) To acquire by gift, or purchase, or otherwise, all kinds and descriptions of real and personal property;

(5) To accept gifts, grants, donations, devises and bequests;

(6) To provide appropriate supervision of the maintenance of any facility established to promote vocational or technical education;

(7) To provide the necessary administrative services required by the State program;

(8) To employ such personnel as may be necessary to enable the Commission to fulfill its functions;

(9) To establish, promulgate and enforce reasonable rules and regulations, in conjunction with those promulgated by the State agency, for the operation of its facilities;

(10) To operate its affairs on a fiscal year coinciding with that of the State of South Carolina;

(11) To expend any funds received in any manner, including the proceeds derived from any bonds which may be issued to defray any costs incident to the establishment of adequate facilities for the program, and thereafter to expend such funds as may be appropriated for the operation, maintenance and improvement of the facilities;

(12) To apply for, receive, and expend moneys from all governmental agencies, both State and Federal; and

(13) To exercise all powers contemplated for local agencies by the former provisions which created the Advisory Committee for Technical Training, and all other laws modifying, amending or implementing them.

HISTORY: 1962 Code § 21-708.20:13; 1966 (54) 2385.

Editor's Note—

The powers and duties of the former Advisory Committee for Technical Training have devolved upon the State Board for Technical and Comprehensive Education. See § 59-53-40. The former Committee was responsible for the development and implementation of an adequate vocational and technical training program which, under former 1962 Code § 21-702, included the following:

"(1) A crash program coordinated with the State's industrial expansion effort which will provide immediate training for established industries and provide immediate training for particular industries;

(2) Increased emphasis on industrial arts programs and basic industrial vocational programs within existing high school curriculums;

(3) Technical training programs primarily designed to train high school graduates as technicians for initial employment in industry; and

(4) Provision of trade extension courses to persons who desire employment in industries and also to those presently employed who wish to improve their skills.

The Committee shall cooperate with the State Development Board and the State Department of Education in the carrying out of these programs. The Committee may purchase such equipment, hire such personnel, including an industrial engineer, enter into such contracts, make such rules and regulations and may do such other things as may be necessary in order to carry out the provisions of this article, subject to the approval of the State Board of Education."

§ 59-53-1040. Accounts of Commission; audits.

The Commission shall at all times keep full and accurate account of its acts and of its receipts and expenditures, and at least once within four months, following the close of its fiscal year, a complete audit of its affairs shall be made by a qualified public accountant. Copies of the audit shall be filed with the clerk of court and the legislative delegation of each county.

HISTORY: 1962 Code § 21-708.20:14; 1966 (54) 2385.

§ 59-53-1050. Reports.

At least once a year the Commission shall make a written report of its activities and file a copy with the legislative delegation of each county.

HISTORY: 1962 Code § 21-708.20:15; 1966 (54) 2385.

§ 59-53-1060. Apportionment of expenses.

The operating expenses and building costs shall be divided proportionately between the two counties on a per capita basis.

HISTORY: 1962 Code § 21-708.20:16; 1966 (54) 2385.

ATTORNEY GENERAL'S OPINIONS

A Technical Training District may properly be considered a school district as that term is used in the U. S. Department of Commerce Rules and Regulations. 1976-77 Op Atty Gen No 77-172, p 136.

PIEDMONT TECHNICAL EDUCATION AND TRAINING DISTRICT

Sec.

59-53-1210. Creation of District; Commission.
59-53-1220. Membership of Commission; officers.
59-53-1230. Technical education center.
59-53-1240. General powers of Commission.
59-53-1250. Expenses of district.
59-53-1260. Audit.
59-53-1270. Disposition of center.

§ 59-53-1210. Creation of District; Commission.

In order to fulfill the purposes and findings stated in § 1 of 1963 Act No. 243, there is hereby created the Piedmont Technical Education and Training District, consisting of the Counties of Abbeville, Edgefield, Greenwood, Laurens, McCormick, Newberry and Saluda which shall be controlled and managed by a commission known as the Piedmont Technical Education Commission, and hereinafter called the "Commission."

HISTORY: 1962 Code § 21-708.21; 1963 (53) 276; 1964 (53) 2179; 1965 (54) 663; 1971 (57) 784; 1973 (58) 237; 1974 (58) 2119.

Editor's Note—

Section 1 of 1963 Act No. 243 (1963 (53) 276), contains legislative findings relative to this article, and provides:

"The General Assembly finds that by Act 323 of the Acts of 1961 [since repealed], a program looking to the establishment of adequate technical educational and training facilities in the State was instituted on a basis requiring cooperation between the state agency therein created (the Advisory Committee for Technical Education) and counties or areas within the State, it being specifically required that in order for any county or area to participate in the program, it must make available and operate adequate facilities, and also provide for adequate local supervision and conduct of a program of technical education and training."

ATTORNEY GENERAL'S OPINIONS

A Technical Training District may properly be considered a school district as that term is used in the U. S. Department of Commerce Rules and Regulations. 1976-77 Op Atty Gen No 77-172, p 136.

§ 59-53-1220. Membership of Commission; officers.

The Commission shall consist of one member each from the Counties of Edgefield, McCormick, Newberry and Saluda, two members from Abbeville and Laurens Counties and four members from Greenwood County. Each member shall be appointed by the Governor upon the recommendation of a majority of the resident members of the legislative delegation of his county.

Upon the expiration of the terms of office of those first appointed, successors shall be appointed for terms of four years and until their successors are appointed and qualify. Any vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment. All terms of office shall terminate on the appropriate anniversary of July 1, 1973, notwithstanding that a delay in making appointments shall lessen the duration of the terms of office.

The Commission shall elect a chairman, vice-chairman and secretary, each of whom shall serve a term of one year and until his successor is elected.

A transcript of the record of the organization of the Commission shall be filed annually with the governing body of any participating county in order to reflect the membership of the Commission and those who become its officers.

HISTORY: 1962 Code § 21-708.22; 1963 (53) 276; 1964 (53) 2179; 1965 (54) 663; 1971 (57) 784; 1973 (58) 237, 292; 1974 (58) 2119.

Editor's Note—

Section 3 of 1974 Act No. 986 (1974 (58) 2119), which act added a Newberry County member and a Greenwood County member to the district commission, provides:

"The members of the Commission from Newberry and Greenwood Counties that are added by the provisions of this act shall serve for terms of four years and until their successors are appointed and qualify."

§ 59-53-1230. Technical education center.

The commission shall provide for the creation, maintenance and operation of a technical education center to be located within the district, and there shall be developed and carried out at such center a program of adult pre-employment, adult extension, and high school pre-employment training for residents of the district and such other persons as the commission shall designate, upon such terms as the commission shall require, all in conjunction and coordination with the State program for technical education.

HISTORY: 1962 Code § 21-708.23; 1963 (53) 276.

ALR and L Ed Annotations—

Tort liability of public schools and institutions of higher learning for accidents associated with chemistry experiments, shopwork, and manual or vocational training. 35 ALR3d 758.

§ 59–53–1240. General powers of Commission.

The commission is vested with authority to:

(1) Employ personnel;

(2) Accept and administer funds or equipment from other governmental agencies, individuals, or corporations;

(3) Enter into such contracts as may be necessary to carry out the purposes of the center; and

(4) Acquire, own, and sell property, real and personal.

HISTORY: 1962 Code § 21-708.24; 1963 (53) 276.

§ 59–53–1250. Expenses of district.

The share of each participating county in the operating expenses of the district shall be determined by agreement between the district commission and the respective county governing bodies.

HISTORY: 1962 Code § 21-708.25; 1963 (53) 276; 1964 (53) 2179; 1965 (54) 663; 1966 (54) 2650; 1971 (57) 784.

§ 59–53–1260. Audit.

The commission shall furnish to the members of the legislative delegations who provide county funds an annual audit of the receipts and expenditures of the center.

HISTORY: 1962 Code § 21-708.26; 1963 (53) 276.

§ 59–53–1270. Disposition of center.

The center, including the real property, shall not be disposed of except upon approval of the governing bodies of all participating counties.

HISTORY: 1962 Code § 21-708.27; 1963 (53) 276.

Richland-Lexington Counties Commission for Technical Education

Sec.

59–53–1610. Creation of Commission; membership; officers.
59–53–1620. Powers of Commission.
59–53–1630. Annual appropriations; apportionment of expenses.
59–53–1640. Change of name of Richland Technical Education Center.
59–53–1650. Accounts of Commission; audits.
59–53–1660. Annual reports.
59–53–1670. Participation in funds obtained upon termination of operation of facility.

§ 59–53–1610. Creation of Commission; membership; officers.

There is hereby created, as an administrative agency of Richland and Lexington Counties, a commission to be known as the "Richland-Lexington Counties Commission for Technical Education" (hereafter referred to as the "Commission"). The Commission shall be composed of twelve members who shall be appointed by the Governor for a term of three years as follows: Nine members shall be appointed upon the recommendation of a majority of the legislative delegation from Richland County, and three members shall be appointed upon the recommendation of a majority of the legislative delegation from Richland County, and three members shall be appointed upon the recommendation of a majority of the legislative delegation from Lexington County. Of those initially appointed from Richland County, three shall serve for a term of one year, three shall serve for a term of two years, and three shall serve for a term of three years. Of those initially appointed from Lexington County, one shall serve for a term of one year, one shall serve for a term of two years, and one shall serve for a term of three years. Each delegation shall designate in its recommendation to the Governor the terms of its initial appointees. The terms of office shall commence on the first day of the month following July 29, 1969. In the event of a vacancy, a successor shall be appointed in the same manner as the original appointment for the unexpired portion of the term. Members shall serve until their successors have been appointed, but any delay in appointing a successor shall not extend the term of such successor. The members of the Commission shall serve without compensation, except for actual expenses incurred in the performance of their duties. As soon as the initial appointments have been made, the Commission shall organize by electing one of its members as chairman, another as vice-chairman and a third as secretary. They shall serve for a term of two years and until their successors are appointed. The office of chairman shall be rotated among the representatives of the two counties so that a representative of each county shall hold office as chairman for a term of two years. In the event that the office of chairman shall become vacant, a successor shall be appointed from the members representing the same county as did the former chairman. Insofar as is practicable, the same rotation shall be applied to the offices of vice-chairman and secretary, but the practice of rotating the office of vice-chairman and the office of secretary may be dispensed with in the event that the Commission, by three-fourths vote, shall find that such rotation is impracticable. A transcript of the record of the initial organization shall be filed with the clerks of court of Richland and Lexington Counties with a list of officers. Office on the Commission shall be deemed an office of honor within the meaning of the provision of § 1A of Article XVII of the Constitution of South Carolina.

HISTORY: 1962 Code § 21-708.51; 1969 (56) 888.

Editor's Note—

Section 1 of 1969 Act No. 521 (1969 (56) 888), contains legislative findings relative to this article, and provides:

"The General Assembly finds that by Section 23 of Act 323 of the Acts of 1961 [since repealed], a program looking to the establishment of adequate vocational and technical educational facilities in the State, intended to coordinate with the industrial expansion of South Carolina, was instituted on a basis requiring cooperation between the State agency therein created and counties or areas within the State. It is specifically required therein that in order for any county or area to comply with the program and thus to receive the benefits of the program, it must make available, and operate adequate facilities, and at the same time provide for adequate local supervision. The General Assembly further finds that there is an immediate need for the institution of the program in Richland and Lexington Counties wherein the continued expansion of industrial activity has created an unusual need for persons with technical training, and that the furtherance of vocational and technical education in Richland and Lexington Counties should be promptly advanced. It has, therefore, determined to establish for Richland and Lexington Counties a commission to be known as the 'Richland and Lexington Counties Commission for Technical Education' as an administrative agency of Richland and Lexington Counties, and to prescribe for the Commission its functions."

ATTORNEY GENERAL'S OPINIONS

A Technical Training District may properly be considered a school district as that term is used in the U. S. Department of Commerce Rules and Regulations. 1976–77 Op Atty Gen, No 77-172, p 136.

§ 59–53–1620. Powers of Commission.

The Commission is hereby authorized and empowered to do all things necessary or convenient to promote the objects of the program instituted by the former provisions which created the Advisory Committee for Technical Training, and without in any way limiting the generality of the foregoing, shall be empowered as follows:

(1) To adopt and use a corporate seal.

(2) To adopt such bylaws, rules and regulations for the conduct of business and the expenditure of its funds as it may deem advisable.

(3) To acquire a site within Richland County and to construct and equip thereon appropriate facilities in accordance with the standards and specifications promulgated by the former State Advisory Committee;

(4) To acquire by purchase, gift, devise, lease, or otherwise any real or personal property and to hold, use, lease or mortgage such property, or any interest therein; *provided,* that before any mortgage is executed, approval by the governing bodies of Lexington and Richland Counties shall first be obtained.

(5) To accept gifts, grants, donations, devises and bequests.

(6) To provide appropriate supervision of the maintenance of any facility established to promote vocational or technical education.

(7) To provide the necessary administrative services required by the State program.

(8) To employ such personnel as may be necessary to enable the Commission to fulfill its functions.

(9) To establish, promulgate and enforce reasonable rules and regulations, in conjunction with those promulgated by the State agency, for the operation of its facilities.

(10) To operate its affairs on a fiscal year coinciding with that of Richland and Lexington Counties.

(11) To expend any funds received in any manner, including the proceeds derived from any bonds issued by Richland and Lexington Counties to defray any costs incident to the establishment of adequate facilities for the program, and thereafter to expend such funds for the operation, maintenance and improvement of the facilities in accordance with the ratio established in § 59-53-1630.

(12) To apply for, receive, and expend moneys from all governmental agencies, both State and Federal.

(13) To exercise all powers contemplated for local agencies by the former provisions which created the Advisory Committee for Technical Training, and all other laws modifying, amending or implementing it.

HISTORY: 1962 Code § 21-708.52; 1969 (56) 888.

Editor's Note—

The powers and duties of the former Advisory Committee for Technical Training have devolved upon the State Board for Technical and Comprehensive Education. See § 59-53-40. The former Committee was responsible for the development and implementation of an adequate vocational and technical training program which, under former 1962 Code § 21-702, included the following:

"(1) A crash program coordinated with the State's industrial expansion effort which will provide immediate training for established industries and provide immediate training for particular industries;

(2) Increased emphasis on industrial arts programs and basic industrial vocational programs within existing high school curriculums;

(3) Technical training programs primarily designed to train high school graduates as technicians for initial employment in industry; and

(4) Provision of trade extension courses to persons who desire employment in industries and also to those presently employed who wish to inprove their skills.

The Committee shall cooperate with the State Development Board and the State Department of Education in the carrying out of these programs. The Committee may purchase such equipment, hire such personnel, including an industrial engineer, enter into such contracts, make such rules and regulations and may do such other things as may be necessary in order to carry out the provisions of this article, subject to the approval of the State Board of Education."

Editor's Note—

Section 2 of 1976 Act No. 498 (1976 (59) 1497) provides as follows:

"The Richland-Lexington Counties Commission for Technical Education is authorized to execute a mortgage during the year 1976 on its properties in the amount of one million and eighty-eight thousand dollars in order to secure a loan from the United States Department of Health, Education and Welfare without prior approval of the governing bodies of Lexington and Richland Counties."

Effect of Amendments—

The **1976** amendment substituted item (4) for former item (4) as it appears in the parent volume.

§ 59-53-1630. Annual appropriations; apportionment of expenses.

The participating counties shall appropriate and contribute annually to the Richland-Lexington Counties Commission for Technical Education sufficient funds to enable the Commission to defray any costs incident to the establishment of adequate facilities for the program and for the operation, maintenance and improvement of the facilities and to make payment of principal and interest on bonds issued prior to July 29, 1969 by Richland County, the proceeds of which were used for the acquisition of land and construction facilities for the property, in the following proportionate amounts; Richland County seventy-five percent and Lexington County twenty-five percent.

HISTORY: 1962 Code § 21-708.53; 1969 (56) 888.

§ 59–53–1640. Change of name of Richland Technical Education Center.

The Commission shall change the name of the Richland Technical Education Center so as to reflect appropriately the participation of Lexington County.

HISTORY: 1962 Code § 21-708.54; 1969 (56) 888.

§ 59–53–1650. Accounts of Commission; audits.

The commission shall at all times keep full and accurate account of its acts and of its receipts and expenditures, and at least once within four months, following the close of its fiscal year, a complete audit of its affairs shall be made by a qualified public accountant. Copies of the audit shall be filed with the clerks of court for Richland and Lexington Counties, with the secretaries of the Richland and Lexington County Legislative Delegations, and with the secretary of the county council for Richland County.

HISTORY: 1962 Code § 21-708.55; 1969 (56) 888.

§ 59–53–1660. Annual reports.

Not less frequently than annually the Commission shall make a written report of the activites of the Commission and file a copy with the secretaries of the Richland and Lexington County Legislative Delegations.

HISTORY: 1962 Code § 21-708.56; 1969 (56) 888.

§ 59–53–1670. Participation in funds obtained upon termination of operation of facility.

In the event that the Commission shall cease to operate a facility for vocational and technical education as provided hereinabove, the respective counties shall participate in any funds derived from the sale of the land, equipment and facilities used therein in proportion to their total contributions to the payment of the indebtedness incurred for the purchase of the land and construction of the facilities.

HISTORY: 1962 Code § 21-708.57; 1969 (56) 888.

Spartanburg

(R1066, H2519)

No. 906

An Act To Create The Spatanburg County Commission For Technical Training; To Define Its Powers And Duties, And To Repeal Act No. 387 Of The Acts Of 1961 Relating To The Spartanburg County Committee For Technical Training.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Spartanburg County Commission for Technical Training created — members — terms — officers — meetings—reports.—There is hereby created the Spartanburg County Commission for Technical Training which shall be a body politic and corporate and which shall consist of nine members. The present members of the Spartanburg County Committee for Technical Training shall continue to hold office as members of this commission for the terms for which they have been appointed, and the new members shall thereafter be appointed for terms of four years each, upon the recommendation of a majority of the Spartanburg County Legislative Delegation in such manner that each of the seven school districts of the county shall have one member and School District No. 7 shall have two members with one member being appointed from the county at large. The Chairman of the Spartanburg County Planning and Development Board and the County Superintendent of Education shall be ex officio members. The commission shall meet as soon after appointment as practicable and shall organize by electing a chairman and such other officers as it deems necessary. Thereafter, the commission shall meet upon the call of the chairman or a majority of its members. It shall make periodic reports of its activities and progress to the legislative delegation and the board of education.

SECTION 2. Duties of commission—powers—considered operating unit for purposes of borrowing.—The commission shall be responsible for the development and implementation of an adequate vocational and technical training program, which shall include, but not be limited to, the following: (1) a crash program coordinated with our industrial expansion effort which will provide immediate training for established industries and provide immediate training for particular industries; (2) technical training programs primarily designed to train high school graduates as technicians for initial employment in industry; and (3) provide trade extension courses to persons who desire employment in industries and also to those presently employed who wish to improve their skills. The commission, in carrying out these programs, shall cooperate with all school districts and all county, State and Federal agencies designed to further technical education. The commission may purchase or lease such equipment, hire such personnel, including a director and instructors, enter into such contracts, make such rules and regulations and may do such other things as may be necessary in order to carry out the provisions of this act, or to qualify to receive State or Federal aid under any present or future statute, policy or regulation. The commission shall be considered an operating unit under the general laws governing the lending of funds for capital improvements by the State Educational Finance Commission.

SECTION 3. Funds—accounting—may accept gifts and grants. —The commission shall receive and administer the funds received by it from all sources and make its accounting to the Spartanburg County Board of Education annually in the same manner as school districts. The commission may receive gifts or grants of funds or property of any nature.

SECTION 4. Budget.—The commission shall submit a budget to the Spartanburg County Board of Education on or before March first of each year. The county board of education shall recommend approval or disapproval of the budget to the Spartanburg County Legislative Delegation.

SECTION 5. Repeal—Act 387 of 1961 repealed.—Act No. 387 of the Acts of 1961 is hereby repealed.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1962.

(R683, H1950) **No. 477**

An Act To Amend Act No. 906 Of 1962, Relating To The Spartanburg County Commission For Technical Training, So As To add An Ex Officio Member To The Commission, And To Further Provide For Its Accounting And Budget.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Commission for Technical Training—additional member.—Section 1 of Act No. 906 of 1962 is amended by adding between "Board" and "and" on line thirteen, the following: ", the Chairman of the County District Superintendents". The section when amended shall read as follows:

"Section 1. There is hereby created the Spartanburg County Commission for Technical Training which shall be a body politic and corporate and which shall consist of nine members. The present members of the Spartanburg County Committee for Technical Training shall continue to hold office as members of this commission for the terms for which they have been appointed, and the new members shall thereafter be appointed for terms of four years each, upon the recommendation of a majority of the Spartanburg County Legislative Delegation in such manner that each of the seven school districts of the county shall have one member and School District No. 7 shall have two members with one member being appointed from the county at large. The Chairman of the Spartanburg County Planning and Development Board, the Chairman of the County District Superintendents and the County Superintendent of Education shall be ex officio members. The commission shall meet as soon after appointment as practicable and shall organize by electing a chairman and such other officers as it deems necessary. Thereafter, the commission shall meet upon the call of the chairman or a majority of its members. It shall make periodic reports of its activities and progress to the legislative delegation and the board of education."

SECTION 2. Powers.—Section 3 of Act No. 906 of 1962 is amended by striking the following commencing on line three: "Spartanburg County Board of Education annually in the same manner as school districts.", and inserting in lieu thereof the following: "county board of commissioners annually." The section when amended shall read as follows:

"Section 3. The commission shall receive and administer the funds received by it from all sources and make its accounting to the county board of commissioners annually. The commission may receive gifts or grants of funds or property of any nature."

SECTION 3. Budget.—Section 4 of Act No. 906 of 1962 is amended by striking "Spartanburg County Board of Education" and inserting in lieu thereof "county board of commissioners", and by deleting the last sentence. The section when amended shall read as follows:

"Section 4. The commission shall submit a budget to the county board of commissioners on or before March first of each year."

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of July, 1969.

(R326, S342)

No. 197

An Act To Amend Act No. 906 Of 1962, As Amended, Relating To The Spartanburg County Commission For Technical Training, So As To Reconstitute The Commission And To Designate Such Commission As The Spartanburg County Commission For Technical Education.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Spartanburg County Commission For Technical Education.—Section 1 of Act No. 906 of 1962, as last amended by Act No. 477 of 1969, is further amended to read as follows:

"Section 1. There is hereby created the Spartanburg County Commission for Technical Education which shall be a body politic and corporate and which shall consist of thirteen members. The present members of the Spartanburg County Committee for Technical Education shall continue to hold office as members of this commission for the terms for which they have been appointed, and the new members shall thereafter be appointed by the Governor for terms of four years each, upon the recommendation of a majority of the Spartanburg County Legislative Delegation in such manner that each of the seven school districts of the county shall have one member and School District No. 7 shall have two members, with three members being appointed from the county at large. The Chairman of the Spartanburg County Planning and Development Board and the Chairman of the County District Superintendents of Education shall be ex officio members. The commission shall meet as soon after appointment as practicable and shall organize by electing a chairman and such other officers as it deems necessary. Thereafter, the commission shall meet upon the call of the chairman or a majority of its members. It shall make periodic reports of its activities and progress to the legislative delegation and the board of education."

SECTION 2. Terms of additional members.—The two additional members of the commission provided for in Section 1 shall be appointed for four-year terms beginning on the date of appointment.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of May, 1973.

SUMTER AREA TECHNICAL EDUCATION COMMISSION

Sec.

59-53-1410. Creation of Commission; membership; officers.

59-53-1420. Duties of Commission.

59-53-1430. Powers of Commission.

59-53-1440. Representation contingent upon financial support and participation.

59-53-1450. Accounts of Commission; audit.

59-53-1460. Reports.

§ 59-53-1410. Creation of Commission; membership; officers.

There is hereby created the Sumter Area Technical Education Commission composed of the counties of Clarendon, Kershaw, Lee and Sumter. The commission shall be a body politic and corporate, and shall consist of nine members. Each member shall be appointed by the Governor, upon the recommendation of a majority of the legislative delegation of his respective county, and each member shall be a qualified registered elector of the county he represents. Six members shall be appointed from Sumter County for terms of four years, and until their successors are appointed and qualify, except of those first appointed, two shall serve for two years, two shall serve for three years and two shall serve for four years. One member shall be appointed from each of the following counties: Clarendon, Kershaw and Lee. Their terms shall be for four years and until their successors are appointed and qualify, except that of those first appointed, one shall serve for a term of two years, one shall serve for a term of three years, and one shall serve for a term of four years, the length of each such term to be determined initially by lot. Any vacancy shall be filled in the manner of the original appointment for the unexpired portion of the term only. As soon as possible after the initial appointments have been made, the commission shall organize by electing one of its members as chairman, one as vice-chairman, and one as secretary. A transcript of the record of the initial organization shall be filed with the clerk of court of each of the four counties comprising the commission. The terms of the initial appointees shall be extended so that all terms will expire July first of the appropriate year.

HISTORY: 1962 Code § 21-708.31; 1962 (52) 1930; 1963 (53) 33.

Editor's Note—

Section 1 of 1962 Act No. 798 (1962 (52) 1930), contains legislative findings relative to this article, and provides:

"The General Assembly finds that by Section 23 of Act 323 of the Acts of 1961 [since repealed], a program looking to the establishment of adequate vocational and technical educational facilities in the State, intended to coordinate with industrial expansion of South Carolina, was instituted on a basis requiring cooperation between the State agency therein created and counties or areas within the State. It is specifically required therein that in order for any county or area to comply with the program and thus to receive the benefits of the program, it must make available, and operate adequate facilities, and at the same time provide for adequate local supervision."

ATTORNEY GENERAL'S OPINIONS

A Technical Training District may properly be considered a school district as that term is used in the U. S. Department of Commerce Rules and Regulations. 1976–77 Op Atty Gen No 77-172, p 136.

§ 59–53–1420. Duties of Commission.

The commission shall be responsible for a full and exhaustive study looking to the development and implementation of an adequate vocational and technical training program, which shall include, but not be limited to, the following: A program coordinated with our industrial expansion effort which will provide immediate training for established industries and provide immediate training for particular industries. The commission, in carrying out this program, shall cooperate with all State and Federal agencies designed to further technical education.

HISTORY: 1962 Code § 21-708.32; 1962 (52) 1930.

§ 59-53-1430. Powers of Commission.

When funds are appropriated by the General Assembly the commission is authorized and empowered to do all things necessary or convenient to promote the objects of the program instituted by the former provisions which created the Advisory Committee for Technical Training, and without in any way limiting the generality of the foregoing, shall be impounded as follows:

(1) to adopt and use a corporate seal;

(2) to adopt such bylaws, rules and regulations for the conduct of business and the expenditure of appropriated funds as it may deem advisable;

(3) when funds are made available by the General Assembly, to acquire a site within Sumter County and to construct and equip thereon appropriate facilities in accordance with the standards and specifications promulgated by the former State Advisory Committee;

(4) to acquire by gift, or purchase, or otherwise, all kinds and descriptions of real and personal property;

(5) to accept gifts, grants, donations, devises and bequests;

(6) to provide appropriate supervision of the maintenance of any facility established to promote vocational or technical education;

(7) to provide the necessary administrative services required by the State program;

(8) to employ such personnel as may be necessary to enable the commission to fulfill its functions;

(9) to establish, promulgate and enforce reasonable rules and regulations, in conjunction with those promulgated by the State agency, for the operation of its facilities;

(10) to operate its affairs on a fiscal year coinciding with that of Sumter County;

(11) to expend any funds received in any manner, including the proceeds derived from any bonds which may be issued to defray any costs incident to the establishment of adequate facilities for the program, and thereafter to expend such funds as may be appropriated for the operation, maintenance and improvement of the facilities;

(12) to apply for, receive, and expend moneys from all governmental agencies, both State and Federal;

(13) to exercise all powers contemplated for local agencies by the former provisions which created the Advisory Committee for Technical Training, and all other laws modifying, amending or implementing it.

HISTORY: 1962 Code § 21-708.33; 1962 (52) 1930; 1963 (53) 33.

Editor's Note—

The powers and duties of the former Advisory Committee for Technical Training have devolved upon the State Board for Technical and Comprehensive Education. See § 59-53-40. The former Committee was responsible for the development and implementation of an adequate vocational and technical training program which, under former 1962 Code § 21-702, included the following:

"(1) A crash program coordinated with the State's industrial expansion effort which will provide immediate training for established industries and provide immediate training for particular industries;

(2) Increased emphasis on industrial arts programs and basic industrial vocational programs within existing high school curriculums;

(3) Technical training programs primarily designed to train high school graduates as technicians for initial employment in industry; and

(4) Provision of trade extension courses to persons who desire employment in industries and also to those presently employed who wish to inprove their skills.

The Committee shall cooperate with the State Development Board and the State Department of Education in the carrying out of these programs. The Committee may purchase such equipment, hire such personnel, including an industrial engineer, enter into such contracts, make such rules and regulations and may do such other things as may be necessary in order to carry out the provisions of this article, subject to the approval of the State Board of Education."

§ 59–53–1440. Representation contingent upon financial support and participation.

Representation on the commission shall be contingent upon continued financial support and participation by each respective county.

HISTORY: 1962 Code § 21-708.34; 1963 (53) 33.

§ 59–53–1450. Accounts of Commission; audit.

The commission shall at all times keep full and accurate account of its acts and of its receipts and expenditures, and at least once within four months, following the close of its fiscal year, a complete audit of its affairs shall be made by a qualified public accountant. Copies of the audit shall be filed with the clerk of court and the legislative delegation of each county comprising the commission.

HISTORY: 1962 Code § 21-708.35; 1962 (52) 1930; 1963 (53) 33.

§ 59–53–1460. Reports.

Not less frequently than annually the commission shall make a written report of the activities of the commission and file a copy with the legislative delegation of each county comprising the commission.

HISTORY: 1962 Code § 21-708.36; 1962 (52) 1930; 1963 (53) 33.

(R1296, H2710) **No. 967**

An Act To Provide For The Appointment Of A York County Committee For Technical Training.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. York County Committee for Technical Training created — members — terms — officers — reports.—There is hereby created the York County Committee for Technical Training which shall be a body politic and corporate and which shall consist of nine members. The Governor shall appoint the following to serve for terms herein indicated: Messrs. W. M. Hull, Max L. Morgan and Ted C. Mullins, for a term of four years; Messrs. Richard Sundberg, Curtis Sigmon and R. M. Pulley for a term of three years; and Messrs. Bobbie Chapman, Baxter D. Huntley and Richard P. Smoak for a term of two years; after which their successors shall be appointed for regular terms of four years each, upon the recommendation of a majority of the York County Legislative Delegation. Mr. Ed Allen, County Supervisor, Mr. Connie Morton, member of the State Development Board, and Dr. Walter Douglas Smith, Winthrop College, shall be ex officio members. The committee shall meet as soon after appointment as practicable and shall organize by electing a chairman and such other officers as it deems necessary. Thereafter the committee shall meet upon the call of the chairman or a majority of its members. It shall make periodic reports of its activities and progress to the Legislative Delegation.

SECTION 2. Powers and duties.—The committee shall be responsible for the development and implementation of an adequate vocational and technical training program, which shall include, but not be limited to, the following: (1) a crash program coordinated with our industrial expansion effort which will provide immediate training for established industries and provide immediate training for particular industries; (2) technical training programs primarily designed to train qualified individuals as technicians for initial employment in industry; and (3) provide trade extension courses to persons who desire employment in industries and also to those presently employed who wish to improve their skills. The committee, in carrying out these programs, shall cooperate with all school districts and all counties, State and Federal agencies designed to further technical education. The committee may purchase or lease such equipment, hire such personnel, including a director and instructors, enter into such contracts, make such rules and regulations and may do such other things as may be necessary in order to carry out the provisions of this act, or to qualify to receive State and Federal aid under any present or future statute, policy or regulation. The committee shall be considered an operating unit under the general laws governing the lending of funds for capital improvements by the State Educational Finance Commission.

SECTION 3. Funds—gifts and grants—reports.—The committee shall receive and administer the funds received by it from all sources and make its local accounting annually in the same manner as school districts. The committee may receive gifts or grants of funds or property of any nature. The committee shall furnish to the State Board of Education and the State Advisory Committee for Technical Education such reports and information as shall be essential to the operation of this program.

SECTION 4. Budget.—The committee shall submit a budget to the Legislative Delegation on or before March first of each year. If a majority of the Legislative Delegation shall approve the budget, the Auditor of York County shall levy and the treasurer shall collect a tax sufficient to provide the necessary funds for the administration of this act upon all taxable property in York County.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of April, 1962.

(R184, H1284) **No. 101**

An Act To Amend Act 967 Of 1962, Providing For The Appointment Of The York County Committee For Technical Training, So As To Change The Name Of The Agency, To Provide For The Appointment Of One Of Its Members, And To Further Define Its Powers And Functions.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly—appointment of member.—The General Assembly created, by Act 967 of 1962, the York County Committee for Technical Training in order to establish a public agency of a local nature which would enable York County to participate in and receive the benefits of the program instituted by Article 7, Chapter 15, Title 21 of the 1962 Code. The public agency, therein named the York County Committee for Technical Training, has been duly appointed as provided by the act and has entered upon the duties therein committed to it.

The General Assembly finds that it is desirable (in the interest of general uniformity) to change the name of the agency and to further define its powers and functions. It proposes to effect such changes through amendments to Act 967 of 1962. These amendments shall not in any manner affect or disturb the appointment of members of the committee, including ex officio members, made prior to the effective date of this act or the appointment of any successors to the original appointees made prior to the effective date of this act. The Governor shall appoint Dr. Arnold E. Brown to fill the unexpired portion of the term of Mr. Baxter D. Huntley, who has resigned.

SECTION 2. Section 1 of Act 967 of 1962 amended—York County Commission for Technical Education created.—Section 1 of Act 967 of 1962 is amended by striking it out and inserting in lieu thereof the following:

"Section 1. In order that there may be a local agency of the sort contemplated by Article 7, Chapter 15, Title 21, of the 1962 Code, to participate in and receive the benefits of the program contemplated thereby for York County, there is hereby created the 'York County Commission for Technical Education' (hereinafter referred to as the 'commission'), which shall be a body politic and corporate and which shall have the functions and duties hereafter set forth. The commission shall be comprised of nine members who shall be appointed by the Governor upon the recommendation of a majority of the York County Legislative Delegation for regular terms of four years. All members shall hold office until their successors shall have been appointed and shall have qualified. In the event of a vacancy, a successor shall be appointed in the manner aforesaid to fill the unexpired term. The commission shall meet as soon after appointment as practicable and shall organize by electing a chairman and such other officers as it deems necessary. Thereafter the commission shall meet upon the call of the chairman or a majority of its members. It shall make periodic reports of its activities and progress to the York County Legislative Delegation."

SECTION 3. Section 2 of Act 967 of 1962 amended—powers and duties.—Section 2 of Act 967 of 1962 is amended by striking it out and inserting in lieu thereof the following:

"Section 2. There is hereby committed to the commission the function of promoting the program contemplated by Article 7, Chapter 15, Title 21, of the 1962 Code, in and for York County and without in any way limiting the generality of the foregoing, shall be empowered as follows:

(1) To adopt and use a corporate seal.

(2) To adopt such bylaws, rules and regulations for the conduct of business and the expenditure of its funds as it may deem advisable.

(3) To acquire an appropriate site and to construct and equip thereon appropriate facilities in accordance with the standards and specifications set forth by the Advisory Committee for Technical Training.

(4) To acquire by gift, purchase, or otherwise, all kinds and descriptions of real and personal property.

(5) To accept gifts, grants, donations, devises and bequests.

(6) To provide appropriate supervision of the maintenance of any facility established to promote vocational or technical education.

(7) To provide the necessary administrative services required by the State program.

(8) To employ such personnel as may be necessary to enable the commission to fulfill its functions.

(9) To establish, promulgate and enforce reasonable rules and regulations, in conjunction with those promulgated by the State agency, for the operation of its facilities.

(10) To operate its affairs on a fiscal year beginning on July first in each year and ending on June thirtieth of the succeeding calendar year.

(11) To expend any funds received in any manner, including the proceeds derived from any bonds issued by York County to defray any costs incident to the establishment of adequate facilities for the program, and thereafter to expend such funds for the operation, maintenance and improvement of the facilities.

(12) To apply for, receive, and expend moneys from all governmental agencies, both State and Federal.

(13) To exercise all powers contemplated for local agencies by Article 7, Chapter 15, Title 21, of the 1962 Code."

SECTION 4. Section 3 of Act 967 of 1962 amended—annual accounting—borrowing.—Section 3 of Act 967 of 1962 is amended by striking it out and inserting in lieu thereof the following:

"Section 3. The commission shall make its local accounting annually in the same manner as school districts.

The commission shall be considered an operating unit under the general laws governing the lending of funds for capital improvements by the State Educational Finance Commission."

SECTION 5. Section 4 of Act 967 of 1962 amended—budget—tax levy.—Section 4 of Act 967 of 1962 is amended by striking on line one the word "committee" and inserting "commission". The section when amended shall read as follows:

"Section 4. The commission shall submit a budget to the legislative delegation on or before March first of each year. If a majority of the legislative delegation shall approve the budget, the Auditor of York County shall levy and the treasurer shall collect a tax sufficient to provide the necessary funds for the administration of this act upon all taxable property in York County."

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of April, 1963.

(R810, H1837) No. 809

An Act To Provide For The Levy Of Taxes For York County For School And County Purposes For The Fiscal Year Beginning July 1, 1969; To Provide For The Expenditure Thereof; And To Provide For Other County Purposes; And To Amend Act No. 967 Of 1962, Relating To The York County Commission For Technical Education; To Amend Section 65-2621 And Section 65-2626 Of The 1962 Code, Relating To The York County Tax Collector And Deputy Tax Collector; To Amend Section 20-30.4,

PART II

Permanent Provisions

SECTION 1.

It is hereby declared to be the intent of the General Assembly that the following sections shall constitute a part of the permanent laws of the State of South Carolina.

SECTION 2.

Section 4 of Act No. 967 of 1962, as amended, relating to the York County Commission for Technical Education, is further amended to read as follows:

"Section 4. In order to carry out the provisions of this act a tax of two mills shall be levied annually upon all the taxable property of York County. If at the end of any year any funds remain on hand from this tax which are not necessary for the operation of the Technical Educational Program, such funds shall be deposited in a bond account to be used for the payment of any outstanding bonded indebtedness of the commission."

(R1220, H1945) **No. 1097**

An Act To Amend Act No. 967 Of 1962, As Amended, Relating To The York County Commission For Technical Education, So As To Increase The Membership Of The Commission.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. York County Commission for Technical Education.—Section 1 of Act No. 967 of 1962, as last amended by Act No. 101 of 1963, is further amended to read as follows:

"Section 1. In order that there may be a local agency of the sort contemplated by Article 7, Chapter 15, Title 21, of the 1962 Code, to participate in and receive the benefits of the program contemplated thereby by York County, there is hereby created the 'York County Commission for Technical Education' (hereinafter referred to as the 'commission'), which shall be a body politic and corporate and which shall have the functions and duties hereafter set forth. The commission shall be composed of eleven members, nine of whom shall be appointed by the Governor upon the recommendation of a majority of the members of the county legislative delegation residing in York County. The other two members shall serve ex officio and shall be appointed by a majority of the members of the county legislative delegation residing in the county, one of whom shall be a representative of the County other than a member of the delegation and the other member shall be a representative of Winthrop College. The terms of the members shall be for four years and until their successors are appointed and qualify, except that the term of the member representing the county shall expire April 15, 1972, and the term of the representative of Winthrop College shall expire April 15, 1973. All vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term only. The commission shall meet as soon after appointment as practicable and shall organize by electing a chairman and such other officers as it deems necessary. Thereafter the commission shall meet upon the call of the chairman or a majority of its members. It shall make periodic reports of its activities and progress to the York County Legislative Delegation."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 23rd day of April, 1970.

(R86, S114) **No. 58**

An Act To Create The Williamsburg Regional Manpower Center Commission.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Williamsburg Regional Manpower Center Commission created.—There is hereby created in Williamsburg County the Williamsburg Regional Manpower Center Commission. The commission shall be a body politic and corporate, and shall consist of nine members. Each member shall be appointed by the Governor, upon the recommendation of a majority of the resident members of the legislative delegation of Williamsburg County, including the resident senator, and each member shall be a qualified registered elector of Williamsburg County. Four members shall be appointed to represent the County Board of Education; four members shall represent the business and industrial leadership of Williamsburg County; and one member shall represent the local development board. All members shall be appointed for terms of three years and until their successors are appointed and qualify, except of those first appointed, three shall serve for three years, three shall serve for two years, and three shall serve for one year. The length of the initial terms of the members shall be determined by lot. Any vacancy shall be filled in the manner of the original appointment for the unexpired portion of the term only. As soon as possible after the initial appointments have been made, the commission shall organize by electing one of its members as chairman, one as vice-chairman, and one as secretary. A transcript of the record of the initial organization shall be filed with the clerk of court of the county. The terms of the initial appointees shall be extended so that all terms will expire on the first day of July of the appropriate year.

SECTION 2. Duties.—The commission shall be responsible for the development and implementation of an adequate and comprehensive manpower training program, which shall include but not be limited to, the following: a program coordinated with the industrial expansion effort which will provide immediate training for established industries and provide immediate training for particular industries; basic education for out-of-school persons who need a higher educational level for gainful employment; vocational and skill-level training for high school students; vocational and skill-level training for persons out of school; technician-level education; and short-term training as may be required. The commission, in carrying out this program, shall cooperate with all State and Federal agencies that can assist or further its program.

SECTION 3. Powers.—The Commission is authorized and empowered to do all things necessary or convenient to promote the objects of the program instituted by Article 7, Chapter 15, Title 21 (Sections 21-701 to 21-703) of the 1962 Code and without in any way limiting the generality of the foregoing, may:

(1) Adopt and use a corporate seal;

(2) Adopt such bylaws, rules and regulations for the conduct of business and the expenditure of its funds as it may deem advisable;

(3) Acquire sites within Williamsburg County and construct and equip thereon appropriate facilities in accordance with the standards and specifications promulgated by the State Advisory Committee for technical training established by Article 7, Chapter 15, Title 21, of the 1962 Code, and the State Department of Education; *provided,* however, any and all land purchased and the buildings erected thereon will be the property of Williamsburg County;

(4) Acquire by gift, purchase or otherwise all kinds and descriptions of real and personal property;

(5) Accept gifts, grants, donations, devises and bequests;

(6) Provide appropriate supervision of the maintenance of any facility established to promote vocational or technical education;

(7) Provide necessary administrative services required by the cooperating State agencies;

(8) Employ such personnel as may be necessary to enable the commission to fulfill its functions;

(9) Establish, promulgate and enforce reasonable rules and regulations, in conjunction with those promulgated by the cooperating State agencies, for the operation of its facilities;

(10) Expend any funds received in any manner, including the proceeds derived from any bonds issued by Williamsburg County to defray any costs incident to the establishment of adequate facilities for the program and thereafter expend such funds for the operation, maintenance and improvement of the facilities;

(11) Apply for, receive and expend moneys from all governmental agencies, both State and Federal; and

(12) Exercise all powers contemplated for local agencies by Article 7, Chapter 15, Title 21, of the 1962 Code, and all other laws modifying, amending or implementing it.

SECTION 4. Records and audit.—The committee shall at all times keep full and accurate accounts of its acts, receipts and expenditures and at least once within four months following the close of its fiscal year a complete audit of its affairs shall be made by a qualified public accountant. Copies of the audit shall be delivered to the legislative delegation and the governing body of Williamsburg County.

SECTION 5. Budget.—The committee shall submit a budget for the ensuing fiscal year on or before February fifteenth of each year for approval by the legislative delegation for Williamsburg County.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 28th day of February, 1969.

(R2, S83) **No. 2**

An Act To Amend Act 58 Of 1969, Relating To The Williamsburg Regional Manpower Center Commission, So As To Change The Name Of The Commission To The Williamsburg Technical, Vocational And Adult Education Center.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Williamsburg Technical, Vocational and Adult Education Center.—Section 1 of Act 58 of 1969 is amended by striking "Regional Manpower" on line two and inserting "Technical, Vocational and Adult Education." The section as amended shall read:

"Section 1. There is hereby created in Williamsburg County the Williamsburg Technical, Vocational and Adult Education Center Commission. The commission shall be a body politic and corporate, and shall consist of nine members. Each member shall be appointed by the Governor, upon the recommendation of a majority of the resident members of the legislative delegation of Williamsburg County, including the resident senator, and each member shall be a qualified registered elector of Williamsburg County. Four members shall be appointed to represent the County Board of Education; four members shall represent the business and industrial leadership of Williamsburg County; and one member shall represent the local development board. All members shall be appointed for terms of three years and until their successors are appointed and qualify, except of those first appointed, three shall serve for three years, three shall serve for two years, and three shall serve for one year. The length of the initial terms of the members shall be determined by lot. Any vacancy shall be filled in the manner of the original appointment for the unexpired portion of the term only. As soon as possible after the initial appointments have been made, the commission shall organize by electing one of its members as chairman, one as vice-chairman, and one as secretary. A transcript of the record of the initial organization shall be filed with the clerk of court of the county. The terms of the initial appointees shall be extended so that all terms will expire on the first day of July of the appropriate year."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 31st day of January, 1975.

(R73, H2659) **No. 380**

An Act To Amend Act 58 Of 1969, As Amended, Relating To The Williamsburg Technical, Vocational And Adult Education Center, So As To Increase The Membership Of The Governing Commission Thereof By Two Members And Provide For The Categories From Which They Are Appointed.

Be it enacted by the General Assembly of the State of South Carolina:

Williamsburg Technical, Vocational and Adult Education Center

SECTION 1. Section 1 of Act 58 of 1969, as last amended by Act 2 of 1975, is further amended to read:

"Section 1. There is hereby created in Williamsburg County the Williamsburg Technical, Vocational and Adult Education Center Commission. The commission shall be a body politic and corporate, and shall consist of eleven members. Each member shall be appointed by the Governor, upon the recommendation of a majority of the resident members of the legislative delegation of Williamsburg County, including the resident senator, and each member shall be a qualified registered elector of Williamsburg County. Five members shall be appointed to represent the County Board of Education; five members shall represent the business and industrial leadership of Williamsburg County; and one member shall represent the local development board. All members shall be appointed for terms of three years and until their successors are appointed and qualify, except of those first appointed, three shall serve for three years, three shall serve for two years, and three shall serve for one year. The length of the initial terms of the members shall be determined by lot. Any vacancy shall be filled in the manner of the original appointment for the unexpired portion of the term only. As soon as possible after the initial appointments have been made, the commission shall organize by electing one of its members as chairman, one as vice-chairman, and one as secretary. A transcript of the record of the initial organization shall be filed with the clerk of court of the county. The terms of the initial appointees shall be extended so that all terms will expire on the first day of July of the appropriate year."

Terms of additional members

SECTION 2. The two additional members added to the Williamsburg Technical, Vocational and Adult Education Center under the amendment to Act 58 of 1969 contained in Section 1 shall be appointed to full three-year terms and assume office July 1, 1977.

Time effective

SECTION 3. This act shall take effect upon approval by the Governor.

Became law without the signature of the Governor.

STATE OF SOUTH CAROLINA

EXECUTIVE OFFICE

COLUMBIA

SECRETARY OF STATE
FILED
AUG 18 1978
A.M. 7 8 9 10 11 12 1 2 3 4 5 6 P.M.

EXECUTIVE ORDER NO. # 78-17

WHEREAS, the Federal Education Amendments of 1972 modified the Higher Education Act of 1965 to establish in Section 1202 a State Post-Secondary Education Commission (the State Commission), and

WHEREAS, any State desiring to participate in certain programs providing Federal funds must create the State Commission, designate an existing State agency or commission as the State Commission, or expand, augment or reconstitute the membership of an existing State agency or commission as the State Commission, and

WHEREAS, Act No. 410, 1978, reorganized the Commission on Higher Education and addressed certain responsibilities of the Commission, and

WHEREAS, responsibility for planning for post-secondary education is assigned therein to the Commission on Higher Education, and

WHEREAS, the South Carolina Commission on Higher Education meets the requirements of the State Commission;

NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

1. The State Commission on Post-Secondary Education described in Section 1202, Higher Education Act of 1965 as amended, is hereby established, composed of the following: all members, South Carolina Commission on Higher Education. The Chairman, South Carolina Commission on Higher Education, will also serve as Chairman of the State Commission on

Post-Secondary Education. The State Commission shall select such other officers as it deems appropriate.

2. The State Commission is authorized to take appropriate action to meet responsibilities required of the State Commission by pertinent sections of the Higher Education Act of 1965 as amended. The Executive Director, South Carolina Commission on Higher Education is designated Executive Director, State Commission on Post-Secondary Education; staff support will be provided by the Commission on Higher Education.

Given under my hand and the
Great Seal of the State of South
Carolina at Columbia, South
Carolina, this 16 day of
August, 1978.

James B. Edwards
James B. Edwards, Governor

ATTEST:

O. Frank Thornton
O. Frank Thornton, Secretary of State

STATE OF SOUTH CAROLINA
EXECUTIVE OFFICE
COLUMBIA

EXECUTIVE ORDER NO. 79-12

WHEREAS, the State of South Carolina first established a State Advisory Council on Vocational Education in response to the provisions of the Vocational Education Amendments of 1968, Public Law 90-576, Title I, Section 104, which amended the Vocational Education Act of 1963; and

WHEREAS, the Ninety-fourth Congress passed the Education Amendments of 1976, Public Law 94-482, Title I, which amends the Vocational Education Act of 1963, and which expanded the membership and responsibilities of the State advisory council; and

WHEREAS, Public Law 94-482, Title I, Section 105, specifies that "Any State which desires to participate in programs under this Act for any fiscal year shall establish a State advisory council, which shall be appointed by the Governor . . .," and

WHEREAS, the State of South Carolina desires to receive funds under this Act to enable the State to participate in the vocational education programs, and also desires to receive funds under this Act to enable the State to participate in the vocational education programs, and also desires to receive funds under this Act to carry out the responsibilities of the State advisory council in accordance with the Act and for other purposes; and

WHEREAS, in South Carolina the programs described in the Act as programs of vocational education are those programs administered by the State Board of Education and by the State Board for Technical and Comprehensive Education.

NOW, THEREFORE, BE IT RESOLVED, THAT by virtue of the power vested in me as Governor under the Constitution and Laws of the State of South Carolina, I hereby continue the State Advisory Council to be known as the South Carolina Advisory Council on Vocational and Technical Education, for the purposes of Section 105 of Title I of the Vocational Education Act of 1963, as amended by the Education Amendments of 1976 (Public Law 94-482), and for other purposes as may be advisable to improve vocational and technical education in particular.

This Council shall also be advisory to the State Board for Technical and Comprehensive Education in a manner equal to the advisory responsibilities of the Council to the State Board of Education as specified in the Act (Public Law 94-482).

The members of this Council shall consist of those persons who are appointed by me and certified to and accepted by the U.S. Commissioner of Education each year, who, to the best of my knowledge and belief meet the qualifications specified in Section 105(a) of the Vocational Education Act of 1963, as amended by Public Law 94-482.

The Executive Orders of February 12, 1970, and August 18, 1972, both pertaining to the State Advisory Council on Vocational Education are hereby repealed.

Given under my hand and the
Great Seal of the State of South
Carolina at Columbia, South
Carolina, this 16th day
of April, 1979.

Richard W. Riley
RICHARD W. RILEY
Governor

ATTEST:

John T. Campbell
JOHN T. CAMPBELL
Secretary of State

STATE OF SOUTH CAROLINA

EXECUTIVE OFFICE

COLUMBIA

EXECUTIVE ORDER NO. 80-7

WHEREAS, South Carolina in recent years has identified more clearly the critical importance of strengthening resources for programs designed to serve the needs of the disabled citizens; and

WHEREAS, the State must make the most effective use of its resources to meet such needs, and to do so requires that realistic policies, plans, and programs be developed, implemented, and evaluated continuously; and

WHEREAS, the well-being of citizens of South Carolina affected with substantial handicaps is a priority concern and responsibility of state government;

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Laws of the State, there is hereby re-established the South Carolina Developmental Disabilities Council which will be the State's forum for matters pertaining to developmental disabilities to serve as advocates for persons with these disabilities.

This Council is also established in accordance with the federal Developmental Disabilities Act, Title V, Public Law 95-602. The Act defines the term developmental disability as a severe, chronic disability of a person which is attributable to a mental or physical impairment or combination of mental and physical impairments; is manifested before the person attains age twenty-two; is likely to continue indefinitely; results in substantial functional limitations in three or more of the following areas of major life activity: self care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic sufficiency; and disability(ies) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

The Council shall at all times include in its membership representatives of the principal state governmental agencies which administer and/or provide services to persons with developmental disabilities, higher education institutions and programs, as well as other related state and local governmental agencies and organizations. The following public agencies and programs shall be represented by their director or his designated representative who shall have full power and authority to act in his stead in any and all deliberations of the Council:

South Carolina Office of the Governor
South Carolina Department of Education
South Carolina Department of Health and Environmental Control
South Carolina Department of Mental Health
South Carolina Department of Mental Retardation
South Carolina Department of Social Services
South Carolina Vocational Rehabilitation Department
South Carolina School for the Deaf and the Blind
South Carolina Commission for the Blind
South Carolina Department of Corrections
South Carolina Department of Youth Services
South Carolina Commission on Higher Education
South Carolina University Affiliated Facilities Program

Additionally, in order to provide a continuum to its advocacy efforts, the Council shall include representation of non-governmental agencies and organizations concerned with the developmentally disabled. At a minimum the following private organizations and programs shall be represented by a board member or their chief administrative officer who shall be empowered to act on behalf of the organization in any and all deliberations of the Council:

Easter Seal Society for Crippled Children and Adults
  of South Carolina
South Carolina Association for Retarded Citizens
South Carolina Epilepsy Association
South Carolina Society for Autistic Children
United Cerebral Palsy of South Carolina

The Council shall also have representation of the State Legislature to include at a minimum the chairperson, or his designee, of the Legislative-Governor's Committee on Mental Health and Mental Retardation.

No less than one-half of the total Council membership shall consist of consumer representatives who are not officers or have ownership or controlling interest of any entity, or employees of any state agency which receives funds and provides services under the Developmental Disabilities Act. Of the consumer members, at least one-third shall be persons with developmental disabilities; one-third shall be parents or guardians of persons with developmental disabilities; and one-third shall be parents, guardians or immediate relatives of persons who have a mentally impairing developmental disability with at least one of these having a family member in an institution.

The consumer members of the Council shall be appointed by the Governor from among the residents of the state to serve at his pleasure on a rotating basis. Terms of office shall be four years and no member shall serve more than two consecutive terms. The membership shall initially be staggered with terms of two and four years assigned to each one-half of the consumer membership in order to establish such rotation.

Representatives of other agencies and organizations or individuals who deal with persons with developmental disabilities may be appointed by the Council chairman to serve in an ex-officio, non-voting capacity as selected by the Council to complement their efforts.

The Council shall promulgate by-laws for the orderly conduct of its business, and in discharging its responsibilities, the Council shall:

-Develop jointly with the designated agency(ies) for the administration of the State Developmental Disabilities Formula Grant Program and approve the "State Plan for the Provision of Services and Facilities for Persons with Developmental Disabilities."

-Monitor, review, and evaluate the implementation of such state plan and the state program.

-Formulate its program and recommendations in accordance with the Act upon review and comment of all state plans and other activities in the State which relate to the developmentally disabled population.

-Submit to the Secretary of Health, Education, and Welfare, through the Governor, such periodic reports on its activities as may reasonably be requested, and keep such records and afford access thereto as the Secretary finds necessary to verify such reports.

In support of the Council, the Governor shall house the Council staff within the Office of the Governor, in addition to whatever support may be provided by the Council members; or as otherwise provided by the Governor, as described in the state plan.

State agency(ies) to administer the state program shall be designated by the Governor and described in the state plan.

This Executive Order shall take effect upon the signature of the Governor, revoking Executive Order 79-9, and becoming effective in its stead.

Given under my hand and the
Great Seal of the State of
South Carolina at Columbia,
South Carolina, this 6th
day of February

Richard W. Riley
RICHARD W. RILEY

Governor

ATTEST:

John T. Campbell
JOHN T. CAMPBELL

Secretary of State

STATE OF SOUTH CAROLINA
EXECUTIVE OFFICE
COLUMBIA

EXECUTIVE ORDER NO. 81-43

WHEREAS, United States Public Law 91-516, the Environmental Education Act, recognizes the critical need for developing programs for environmental education; and

WHEREAS, the State of South Carolina is firmly committed to conserve and use wisely the resources of the state in ways that will protect and improve the environment and the quality of life through the furtherance of programs to restore, conserve and manage the natural resources in the state; and

WHEREAS, a cooperative effort to educate and inform the citizens of South Carolina is vital to the quality of life in this state; and

WHEREAS, Executive Orders No. 80-29, dated July 10, 1980 and No. 80-39, dated October 14, 1980, created, and provided broader perspective to the State Natural Resources Education Council;

NOW, THEREFORE, I Richard W. Riley, Governor of the State of South Carolina, do hereby confirm and recreate the State Natural Resources Education Council (Council) as an organization with continuing existence from July 10, 1980, and for as long as this Executive Order shall be in effect. The Council shall develop and implement a State Plan for natural resources education, expend and distribute funds allocated to the Council, and recommend such changes in statutes with respect to natural resources education as the public interest may require.

The Council shall include one representative of each of the following State agencies, to be appointed by the Chief Executive Officer of each agency:

South Carolina Board for Technical and Comprehensive Education

South Carolina Department of Education

South Carolina Department of Health and Environmental Control

South Carolina State Development Board

South Carolina State Forestry Commission

South Carolina Wildlife and Marine Resources Department

South Carolina Land Resources Conservation Commission

South Carolina Water Resources Commission

South Carolina Museum Commission

South Carolina Coastal Council

South Carolina Educational Television Commission

Clemson University, Cooperative Extension Service

South Carolina Department of Agriculture

South Carolina Budget and Control Board, Division of Research and Statistical Services

South Carolina Sea Grant Consortium

South Carolina Department of Parks, Recreation and Tourism

South Carolina Office of State Planning

The Council shall include two representatives of higher education, to be appointed by the Chief Executive Officer of the South Carolina Commission on Higher Education.

The Council shall include three representatives of the Governor's Office to be appointed by the Governor, the first having expertise in energy matters, the second having expertise in natural resource matters and the third having expertise in education matters.

The Council shall also have one representative from the State Senate, to be appointed by the Clerk of the Senate and one representative from the State House of Representatives, to be appointed by the Clerk of the House.

The members of the Council shall elect, from the membership, a Chairman, or may elect co-chairmen, who shall serve as Secretary (secretaries) to and who shall be voting members of the Council

The Council shall establish and shall be guided by an Executive Committee which shall have the authority to act on behalf of the Council.

The Council shall establish implementation goals for each calendar year of its existence and shall make a report of its plans and progress to the Governor by December 31 of each year.

In furtherance of the purposes of this Order, state agencies are directed within their fiscal capabilities, to make appropriate resources and personnel available to the Council upon request.

Executive Orders 80-29 and 80-39 are hereby rescinded and superseded by this Executive Order, effective immediately.

Given under my hand and the
Great Seal of the State of
South Carolina, at Columbia,
South Carolina, this 8th
day of December, 1981.

Richard W. Riley
RICHARD W. RILEY
Governor

ATTEST:

John T. Campbell
JOHN T. CAMPBELL
Secertary of State

Executive Department

FEB 1 1 1988

State of South Carolina

EXECUTIVE ORDER NO. 88-04

WHEREAS, THE QUALITY OF THE WORK FORCE IS ONE OF THE MOST IMPORTANT FACTORS FOR ALL TYPES OF INDUSTRY; AND

WHEREAS, SOUTH CAROLINA'S BUSINESS AND INDUSTRY CANNOT CONTINUE TO COMPETE EFFECTIVELY IN TODAY'S MARKETPLACE UNLESS THEIR EMPLOYEES POSSESS THE SKILLS AND ABILITIES TO COPE WITH DEMANDS PLACED ON THEM BY TECHNOLOGICAL CHANGES IN THE WORKPLACE; AND

WHEREAS, TWENTY TWO PERCENT (22%) OF THE PERSONS IN SOUTH CAROLINA HAVE COMPLETED EIGHT YEARS OR LESS OF SCHOOLING; AND

WHEREAS, AT LEAST SIXTEEN PERCENT (16%) OF THE SOUTH CAROLINA WORK FORCE HAS EIGHT YEARS OR LESS OF SCHOOLING; AND

WHEREAS, FORTY-TWO PERCENT (42%) OF SOUTH CAROLINIANS HAVE NOT RECEIVED A HIGH SCHOOL DIPLOMA; AND

WHEREAS, THESE WORKERS WHO HAVE COMPLETED THE EIGHTH GRADE OR LESS REPRESENT THE MINIMUM POPULATION WHOSE JOBS ARE AT RISK OF BEING CHANGED BEYOND THEIR ABILITY LEVEL AND WHO REPRESENT A BASE OF SOUTH CAROLINIANS WHO CANNOT RAISE THEIR

STANDARD OF LIVING AND INCOME UNTIL THEY ACQUIRE BASIC SKILLS NEEDED TO IMPROVE OR REMAIN IN THEIR CHANGING JOBS; AND

WHEREAS, THERE ARE THREE ESTABLISHED PROVIDERS OF ADULT EDUCATION/LITERACY PROGRAMS: LITERACY COUNCILS, ADULT EDUCATION, AND TECHNICAL COLLEGES' DEVELOPMENT EDUCATION; AND

WHEREAS, AN OFFICIAL EFFORT IS NECESSARY TO COORDINATE THE DESIGN AND EFFECTIVE DELIVERY OF ADULT EDUCATION/LITERACY SERVICES TO EMPLOYERS.

NOW, THEREFORE, BY VIRTUE OF THE POWERS CONFERRED UPON ME BY THE CONSTITUTION AND LAWS OF THIS STATE, I HEREBY CREATE THE SOUTH CAROLINA INITIATIVE ON WORK FORCE EXCELLENCE, WHICH WILL CONSIST OF 46 BUSINESS ROUNDTABLES AND 16 WORK FORCE SPECIALISTS HOUSED AT EACH OF THE STATE'S TECHNICAL COLLEGES. THE CHAIRMAN OF EACH ROUNDTABLE WILL BE DESIGNATED AS THAT REGION'S REPRESENTATIVE ON THE STATE BUSINESS ROUNDTABLE.

FURTHER, THE BUSINESS ROUNDTABLES WILL BE RESPONSIBLE FOR CREATING PARTNERSHIPS BETWEEN EMPLOYERS AND THE ADULT EDUCATION/LITERACY SERVICE PROVIDERS. THE WORK FORCE SPECIALIST WILL BE RESPONSIBLE FOR ASSEMBLING A PROVIDER GROUP WHO WILL PLAN EMPLOYER-SPECIFIC LEARNING OPPORTUNITIES. THESE WORK FORCE PROGRAMS WILL UTILIZE, AS MUCH AS POSSIBLE, THE SKILLS AND SERVICES OF EXISTING PROGRAMS WITHOUT DUPLICATION.

THE GOVERNOR SHALL APPOINT THE MEMBERS OF EACH ROUNDTABLE AND ALL APPOINTED MEMBERS SHALL SERVE AT THE PLEASURE OF THE GOVERNOR, FOR A TERM WHICH WILL INITIALLY EXTEND THROUGH JUNE 1989. THE ROUNDTABLES SHALL MAKE PERIODIC REPORTS OF THEIR PROGRESS AND POLICY RECOMMENDATIONS TO THE GOVERNOR.

PAGE THREE

LOCAL BUSINESS ROUNDTABLES WILL BE ASKED BY THE GOVERNOR TO OFFER RECOMMENDATIONS FOR SERVICE DELIVERY TO THE WORKPLACE, EVALUATE THE QUALITY OF SERVICES, IDENTIFY THE NEEDS FOR ADDITIONAL SERVICES AND BE ADVOCATES FOR THE INITIATIVE'S MISSION.

FUNDING TO SUPPORT THIS INITIATIVE WILL BE PROVIDED BY A JTPA GRANT AND MAY BE SUPPLEMENTED BY OTHER PUBLIC AND FEDERAL GRANTS AS NEEDED.

THIS EXECUTIVE ORDER SHALL TAKE EFFECT IMMEDIATELY UPON SIGNATURE.

GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 11th
DAY OF FEBRUARY, 1988.

CARROLL A. CAMPBELL, JR.
GOVERNOR

ATTEST:

John T. Campbell
JOHN T. CAMPBELL
SECRETARY OF STATE

Executive Department

R 2 1985
10|11|12|1|2|3|4|5|6 PM

State of South Carolina

EXECUTIVE ORDER NO. 85-09

WHEREAS, the State of South Carolina first established a State Advisory Council on Vocational Education in response to the provisions of the Vocational Education Amendments of 1968, Public Law 90-576, Title I, Section 104, which amended the Vocational Education Act of 1963, Public Law 88-210; and

WHEREAS, the Ninety-eighth Congress enacted the Carl D. Perkins Vocational Education Act, Public Law 98-524, which amended the Vocational Education Act of 1963, the Job Training Partnership Act, and other related Acts; and

WHEREAS, Public Law 98-524, Title I, Part B, Section 112, specifies that "Any State which desires to participate in programs under this Act for any fiscal year shall establish a State council, which shall be appointed by the Governor..."; and

WHEREAS, the State of South Carolina desires to participate in the vocational education programs, desires to receive funds under this Act to enable the State to participate in the vocational education programs, and also desires to receive funds under this Act to carry out the responsibilities of the State Council in accordance with the Act and for other purposes; and

WHEREAS, in South Carolina the programs described in the Act as programs of vocational education are those programs administered by the State Board of Education and by the State Board for Technical and Comprehensive Education; and

WHEREAS, the responsibilities and authority of the State council have been modified and expanded by Public Law 98-524.

NOW, THEREFORE, BE IT RESOLVED, that by virtue of the power vested in me as Governor under the Constitution and Laws of the State of South Carolina, I hereby establish the State Council on Vocational Education to be known as the South Carolina Council on Vocational and Technical Education, pursuant to Section 112 of the Carl D. Perkins Vocational Education Act, Public Law 98-524, for the purposes stated in the Act and for other purposes as may be advisable to improve vocational and technical education in particular.

This Council shall bear a relationship to the State Board for Technical and Comprehensive Education in a manner similar to the relationship of the Council to the State Board for Vocational Education as specified in the Act (Public Law 98-524).

Executive Department

R 2 1985
10 11 12 1 2 3 4 5 6 PM

State of South Carolina

EXECUTIVE ORDER NO. 85-09

WHEREAS, the State of South Carolina first established a State Advisory Council on Vocational Education in response to the provisions of the Vocational Education Amendments of 1968, Public Law 90-576, Title I, Section 104, which amended the Vocational Education Act of 1963, Public Law 88-210; and

WHEREAS, the Ninety-eighth Congress enacted the Carl D. Perkins Vocational Education Act, Public Law 98-524, which amended the Vocational Education Act of 1963, the Job Training Partnership Act, and other related Acts; and

WHEREAS, Public Law 98-524, Title I, Part B, Section 112, specifies that "Any State which desires to participate in programs under this Act for any fiscal year shall establish a State council, which shall be appointed by the Governor..."; and

WHEREAS, the State of South Carolina desires to participate in the vocational education programs, desires to receive funds under this Act to enable the State to participate in the vocational education programs, and also desires to receive funds under this Act to carry out the responsibilities of the State Council in accordance with the Act and for other purposes; and

WHEREAS, in South Carolina the programs described in the Act as programs of vocational education are those programs administered by the State Board of Education and by the State Board for Technical and Comprehensive Education; and

WHEREAS, the responsibilities and authority of the State council have been modified and expanded by Public Law 98-524.

NOW, THEREFORE, BE IT RESOLVED, that by virtue of the power vested in me as Governor under the Constitution and Laws of the State of South Carolina, I hereby establish the State Council on Vocational Education to be known as the South Carolina Council on Vocational and Technical Education, pursuant to Section 112 of the Carl D. Perkins Vocational Education Act, Public Law 98-524, for the purposes stated in the Act and for other purposes as may be advisable to improve vocational and technical education in particular.

This Council shall bear a relationship to the State Board for Technical and Comprehensive Education in a manner similar to the relationship of the Council to the State Board for Vocational Education as specified in the Act (Public Law 98-524).

These boards and agencies, the administration of the Job Training Partnership Act, and other related groups and organizations are requested to cooperate with the State Council in fulfilling their duties. The staff of the Council shall be attached to the Governor's Office to maximize coordination with activities under the Job Training Partnership Act (JTPA), the Private Industry Council (PIC), and the Governor's Division of Education, and to make it possible to take advantage of available administrative resources. The Council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable it to carry out its evaluation functions, independent of the programmatic and administrative control by other State Boards, agencies and individuals.

The members of this Council shall consist of those persons who are appointed by me and certified to and accepted by the U. S. Secretary of Education, who, to the best of my knowledge and belief meet the qualifications specified in Section 112 (a) of the Carl D. Perkins Vocational Education Act of 1984.

On the date of this Executive Order, the personnel, property, and records of the South Carolina Advisory Council on Vocational and Technical Education shall be transferred to the South Carolina Council on Vocational and Technical Education.

The Executive Order 79-12, dated April 16, 1979, pertaining to the State Advisory Council on Vocational and Technical Education is hereby repealed.

GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 18
DAY OF APRIL, 1985.

Richard W. Riley
RICHARD W. RILEY
Governor

ATTEST:

John T. Campbell
JOHN T. CAMPBELL
Secretary of State

Executive Department

State of South Carolina

EXECUTIVE ORDER NO. 87-19

WHEREAS, THE MANPOWER RESOURCES OF THE STATE OF SOUTH CAROLINA ARE VITAL TO THE ECONOMIC GROWTH OF THE STATE; AND

WHEREAS, A PARTNERSHIP BETWEEN THE PRIVATE SECTOR AND GOVERNMENT ARE NECESSARY TO IMPROVE ECONOMIC DEVELOPMENT AND JOB CREATION; AND

WHEREAS, THE EFFECTIVE DEPLOYMENT OF FINANCIAL AND INSTITUTIONAL RESOURCES FROM THE JOB TRAINING PARTNERSHIP ACT OF 1982 WILL SERVE THE END OF IMPROVING THE QUALITY OF LIFE FOR CITIZENS OF THE STATE BY PROVIDING JOB TRAINING AND RELATED ASSISTANCE TO ECONOMICALLY DISADVANTAGED INDIVIDUALS AND OTHERS WHO FACE SIGNIFICANT EMPLOYMENT BARRIERS AND TO MOVE TRAINEES INTO PERMANENT SELF-SUSTAINING EMPLOYMENT; AND

WHEREAS, THE COORDINATION OF THE EMPLOYMENT AND TRAINING RESOURCES BE PROPERLY PLANNED, IMPLEMENTED AND OPERATED TO ENSURE THE EFFECTIVE DELIVERY OF EMPLOYMENT SERVICE AND TRAINING.

Page two

NOW, THEREFORE, by virtue of the powers conferred upon me by the Constitution and laws of this State, I hereby transfer the Division of Employment and Training from the State Board for Technical and Comprehensive Education to the Office of the Governor.

I further authorize that the Division of Employment and Training shall become a part of the Office of Executive Policy and Programs in the Office of the Governor.

The Division of Employment and Training and its personnel are authorized and empowered to administer and coordinate all activities in the area of employment and training for the Office of the Governor in the State of South Carolina.

GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 2nd
DAY OF JUNE, 1987.

Carroll A. Campbell, Jr.
CARROLL A. CAMPBELL, JR.
Governor

ATTEST:

John T. Campbell
JOHN T. CAMPBELL
Secretary of State

§ 3. Property exempt from ad valorem taxation.

There shall be exempt from ad valorem taxation:

(a) all property of the State, counties, municipalities, school districts and other political subdivisions, if the property is used exclusively for public purposes;

(b) all property of all schools, colleges and other institutions of learning and all charitable institutions in the nature of hospitals and institutions caring for the infirmed, the handicapped, the aged, children and indigent persons, except where the profits of such institutions are applied to private use;

(c) all property of all public libraries, churches, parsonages and burying grounds;

(d) all property of all charitable trusts and foundations used exclusively for charitable and public purposes;

(e) all household goods and furniture used in the home of the owner of such goods and furniture, but this exemption shall not apply to household goods used in hotels, rooming houses, apartments or other places of business;

(f) all inventories of manufactures, except manufactured articles which have been offered for sale at retail or which have been available for sale at retail;

(g) all new manufacturing establishments located in any of the counties of this State after July 1, 1977, for five years from the time of establishment and all additions to the existing manufacturing establishments located in any of the counties of this State for five years from the time each of these additions is made if the cost of the addition is fifty thousand dollars or more. The additions shall include additional machinery and equipment installed in the plant. The exemptions authorized in this item for manufacturing establishments, and additions to those manufacturing establishments, do not include exemptions from school taxes or municipal taxes but include only county taxes. All manufacturing establishments and all additions to existing manufacturing establishments exempt under existing statutes are allowed their exemptions provided for by statute until the exemptions expire. Municipal governing bodies may by ordinance exempt from municipal ad valorem taxation for not more than five years all new manufacturing establishments located in any of the municipalities of this State after July 1, 1985, and all additions to the existing manufacturing establishments, including additional machinery and equipment, located in any of the municipalities of this State costing fifty thousand dollars or more made after July 1, 1985. Exemptions from municipal taxation granted pursuant to this item may not result in any refund of taxes;

(h) all facilities or equipment of industrial plants which are designed for the elimination, mitigation, prevention, treatment, abatement or control of water, air or noise pollution;

(i) a homestead exemption for persons sixty-five years of age and older, for persons permanently and totally disabled and for blind persons in the amount of ten thousand dollars of the fair market value of the homestead under conditions prescribed by the General Assembly by general law; *provided,* that the amount may be increased by the General Assembly by general law, passed by a majority vote of both houses;

(j) intangible personal property.

The exemptions provided in subitems (c) and (d) for real property shall not extend beyond the buildings and premises actually occupied by the owners of such real property.

Homestead exemptions from ad valorem taxation not specifically provided for in this section may be provided for by the General Assembly by general law.

In addition to the exemptions listed in this section, the General Assembly may provide for exemptions from the property tax, by general laws applicable uniformly to property throughout the State and in all political subdivisions, but only with the approval of two-thirds of the members of each House.

All exemptions not specifically provided for or authorized in this article shall be repealed March 1, 1978.

The General Assembly shall provide for methods and procedures in applying for the exemption of any property as is described in this section. (1976 (59) 2217; 1977 (60) 90; 1985 Act No. 19, eff March 13, 1985.)

Editor's Note—

The present provisions of this section are somewhat similar to former § 4 of Article X as it existed prior to the 1977 revision.

Effect of Amendment—

The **1985** amendment to item (g) of Section 3, as effectuated by 1985 Act No. 19, on March 13, 1985, rewrote the provisions as it pertains to exemptions for manufacturing establishments.

Cross references—

As to the requirement that leases and lease purchase agreements for certain industrial development projects contain a provision for a fee in lieu of taxes, see § 4-29-67.

Research and Practice References—

71 Am Jur 2d, State and Local Taxation §§ 332 et seq.

84 CJS, Taxation §§ 215, 218–221.

22 Am Jur Pl & Pr Forms (Rev ed), State and Local Taxation, Forms 111 et seq. (exemptions from taxation).

Quirk and Watkins, A Constitutional History of the Property Tax in South Carolina (For law prior to 1977 Amendment). 26 SC L Rev 397.

ALR and L Ed Annotations—

Constitutional exemption from taxation as subject to legislative regulation respecting conditions of its assertion. 4 ALR2d 744.

Property used by personnel as living quarters or for recreation purposes as within contemplation of tax exemptions extended to property of religious, educational, charitable, or hospital organizations. 15 ALR2d 1064.

Legislative power to exempt from taxation property, purposes, or uses additional to those specified in Constitution. 61 ALR2d 1031.

Property used as dining rooms or restaurants as within tax exemptions extended to property of religious, educational, charitable, or hospital organizations. 72 ALR2d 521.

Charitable, educational, or religious tax exemption of property held in trust for tax exempt organization. 94 ALR2d 626.

Garage or parking lot as within tax exemption extended to property of educational, charitable, or hospital organizations. 33 ALR3d 938.

Receipt of pay from beneficiaries as affecting tax exeption of charitable institutions. 37 ALR3d 1191.

Prospective use for tax exempt purposes as entitling property to tax exemption. 54 ALR3d 9.

Religious organization's exemption from sales or use tax. 54 ALR3d 1204.

Exemption of parsonage or residence of minister, priest, rabbi, or other church personnel. 55 ALR3d 356.

Exemption of property leased by and used for purposes of otherwise tax exempt body. 55 ALR3d 430.

Tax exemption of property of educational body as extending to property used by personnel as living quarters. 55 ALR3d 485.

What are educational institutions or schools within state property tax exemption provisions. 34 ALR4th 698.

§ 3. System of free public schools and other public institutions of learning.

The General Assembly shall provide for the maintenance and support of a system of free public schools open to all children in the State and shall establish, organize and support such other public institutions of learning, as may be desirable. (1972 (57) 3193; 1973 (58) 44.)

§ 4. Direct aid to religious or other private educational institutions prohibited.

No money shall be paid from public funds nor shall the credit of the State or any of its political subdivisions be used for the direct benefit of any religious or other private educational institution. (1972 (57) 3193; 1973 (58) 44.)

Indirect aid prohibited under former provisions of this article.—Under § 9 of this article as it stood before the 1973 revision, the aid did not have to be direct but was prohibited if it indirectly benefited religious schools. The degree of aid was immaterial. If the use of the public funds aided the religious institution, it was prohibited. Hartness v Patterson, 255 SC 503, 179 SE2d 907 (1971).

Tuition grants to sectarian schools. —See 1969-70 Ops. Att'y Gen., No 2814, p 24, decided under former § 9 of this article as it stood before the 1973 revision.

The student loan fund under the State Education Assistance Act is held by the Authority as a trust fund, and no public money or credit, within the meaning of former § 9 of this article as it stood before the 1973 revision is employed in making or guaranteeing loans to students attending church affiliated schools. Durham v McLeod, 259 SC 409, 192 SE2d 202 (1972).

ARTICLE XVII

§ 1A. Qualification for office; two offices.

Every qualified elector shall be eligible to any office to be voted for, unless disqualified by age, as prescribed in this Constitution. But no person shall hold two offices of honor or profit at the same time: *Provided,* That any person holding another office may at the same time be an officer in the Militia or a Notary Public: *Provided, further,* That the limitation above set forth "But no person shall hold two offices of honor or profit at the same time," shall not apply to the Circuit Judges of the State under the circumstances hereinafter stated, but that whenever it shall appear that any or all of the Justices of the Supreme Court shall be disqualified or be otherwise prevented from presiding in any cause, or causes, for the reasons set forth in Section 6 of Article V of the Constitution, the Chief Justice or in his stead the Senior Associate Justice shall when available designate the requisite number of Circuit Judges for the hearing and determination thereof. *Provided,* the limitation above set forth shall not prohibit any officeholder from being a delegate to a constitutional convention. (1930 (36) 1251; 1931 (37) 107; 1951 (47) 798; 1953 (48) 72; 1970 (56) 2691; 1971 (57) 319.)

ATTORNEY GENERAL'S OPINIONS

Offices of county commissioner for higher education and school trustee are incompatible, and the holding of these offices by a person at the same time is prohibited. 1963–64 Ops. Att'y Gen., No 1662, p 99.

Membership on a college district board is an office and the same person cannot validly occupy membership upon that board while at the same time serving as a member of a county board of commissioners. 1967–68 Ops. Att'y Gen., No 2483, p 155.

An instructor in a State College may also serve on the Governing Board of the Department of Social Services without being in conflict with the dual officeholding provision of the Constitution. 1975–76 Op Att'y Gen, No 4283, p 94.

Simultaneous holding of the offices of Board of Visitors of Clemson University and Charlestown County Park, Recreation and Tourist Commission would not violate the dual office holding provision of the Constitution. 1983 Op Atty Gen, No. 83-23, p. 39.

Simultaneously serving on the board of trustees of South Carolina State College and as a member of a town council would most probably contravene the dual office holding prohibitions of the State Constitution. 1986 Op Att'y Gen, No. 86-43, p 130.

A member of either the State Board for Technical and Comprehensive Education or the Advisory Council on Technical and Vocational Education may also serve on the State Personnel Advisory Council without being in violation of the dual office holding provision of the State Constitution. 1974–75 Op Att'y Gen, No 4122, p 195.

The position of member of the Lander College Board of Visitors does not constitute an office subject to constitutional restrictions on dual office holding. 1974–75 Op Att'y Gen, No 4178, p 233.

The position of President of South Carolina State College is not an office subject to constitutional restrictions on dual office holding. 1974–75 Op Att'y Gen, No 4203, p 250.

A member of the Commission on Higher Education may not also serve on the Board of Trustees of a school district, as such would be in violation of the dual office-holding provision of the State Constitution. 1975–76 Op Atty Gen, No 4469, p 332.

An individual employed as Director of Special Services for Educational Television may also serve on a City Council as such does not violate the dual officeholding provision of the Constitution. 1974–75 Op Att'y Gen, No. 4048, p 125.

Compact for Education

EDUCATION COMMISSION OF THE STATES

SEC.
59-11-10. Compact for Education enacted into law; terms of Compact.
59-11-20. South Carolina Education Council established; members of Educational Commission representing this State.
59-11-30. Bylaws shall be filed with Secretary of State.

§ 59-11-10. Compact for Education enacted into law; terms of Compact.

The Compact for Education is hereby entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

COMPACT FOR EDUCATION PREAMBLE

WHEREAS, the proper education of all citizens is one of the most important responsibilities of the states to preserve a free and open society in the United States; and,

WHEREAS, the increasing demands of our whole national life for improving and expanding educational services require a broad exchange of research data and information concerning the problems and practices of education; and,

WHEREAS, there is a vital need for strengthening the voices of the states in the formulation of alternative nationwide educational policies,

THE STATES AFFIRM the need for close and continuing consultation among our several states on all matters of education, and do hereby establish this Compact for Education.

COMPACT FOR EDUCATION

Article I. Purpose and Policy.

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the State and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearinghouse of information on matters relating to

educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of State government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of State and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and State initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and States.

C. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

Article II. State Defined.

As used in this compact, *"State"* means a State, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

Article III. The Commission.

A. The Educational Commission of the states, hereinafter called "the Commission," is hereby established. The Commission shall consist of seven members representing each party state. One of such members shall be the Governor; two shall be members of the State legislature appointed by the Governor and serving in such manner as the Governor may determine; and four shall be appointed by and serve at the pleasure of the Governor, unless the laws of the State otherwise provide. If the laws of a State prevent legislators from serving on the Commission, six members shall be appointed by and serve at the pleasure of the Governor, unless the laws of the State otherwise provide. In addition to any other principles or requirements which a State may establish for the appointment and service of its members of the Commission, the guiding principle for the composition of the membership on the Commission from each party state shall be that the members representing such State shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the State government, higher education, the State education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the Governor, having responsibility for one or more programs of public education. In addition to the members of the Commission representing the party states, there may be not to exceed ten nonvoting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

B. The members of the Commission shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Commission shall be only at a meeting at which a majority of the Commissioners are present. The Commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the Commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III (J).

C. The Commission shall have a seal.

D. The Commission shall elect annually, from among its members, a chairman, who shall be a Governor, a vice-chairman and a treasurer. The Commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the Commission, and together with the treasurer and such other personnel as the Commission may deem appropriate shall be bonded in such amount as the Commission shall determine. The executive director shall be secretary.

E. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the Commission, and shall fix the duties and compensation of such personnel. The Commission in its bylaws shall provide for the personnel policies and programs of the Commission.

F. The Commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

G. The Commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any State, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the Commission pursuant to this paragraph or services borrowed pursuant to paragraph (F) of this Article shall be reported in the annual report of the Commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

I. The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

J. The Commission annually shall make to the Governor and legislature of each party state a report covering the activities of the Commission for the preceding year. The Commission may make such additional reports as it may deem desirable.

Article IV. Powers.

In addition to authority conferred on the Commission by other provisions of the compact, the Commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this article in any instance where the Commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

Article V. Cooperation With Federal Government.

A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the Federal Government, the United States may be represented on the Commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to Federal law, and may be drawn from any one or more branches of the Federal Government, but no such representative shall have a vote on the Commission.

B. The Commission may provide information and make recommendations to any executive or legislative agency or officer of the Federal Government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

Article VI. Committees.

A. To assist in the expeditious conduct of its business when the full Commission is not meeting, the Commission shall elect a steering committee of thirty-two members which, subject to the provisions of this compact and consistent with the policies of the Commission, shall be constituted and function as provided in the bylaws of the Commission. One fourth of the voting membership of the steering committee shall consist of governors, one fourth shall be legislators, and the remainder shall consist of other members of the Commission. A Federal representative on the Commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the Commission shall be elected as follows: Sixteen for one year and sixteen for two years. The chairman, vice-chairman, and treasurer of the Commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the Commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two term limitation.

B. The Commission may establish advisory and technical committees composed of state, local, and Federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two or more of the party states.

C. The Commission may establish such additional committees as its bylaws may provide.

Article VII. Finance.

A. The Commission shall advise the Governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the Commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

C. The Commission shall not pledge the credit of any party states. The Commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III (G) of this compact, provided that the Commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it pursuant to Article III (G) thereof, the Commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

D. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the Commission.

E. The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the Commission.

F. Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

Article VIII. Eligible Parties; Entry Into and Withdrawal.

A. This compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a Governor, the term *"Governor,"* as used in this compact, shall mean the closest equivalent official of such jurisdiction.

B. Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same: *Provided* that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the Governor; provided that in the absence of enactment, adherence by the Governor shall be sufficient to make his state a party only until December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the Governor shall appoint those persons who, in addition to himself, shall serve as the members of the Commission from his state, and shall provide to the Commission an equitable share of the financial support of the Commission from any source available to him.

D. Except for a withdrawal effective on December 31, 1967, in accordance with paragraph C of this Article, any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Article IX. Construction and Severability.

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

HISTORY: 1962 Code § 21-60.21; 1966 (54) 2676; 1967 (55) 343.

§ 59–11–20. South Carolina Education Council established; members of Educational Commission representing this State.

There is hereby established the South Carolina Education Council composed of the members of the Educational Commission of the states representing this State. The Educational Commission representing South Carolina shall be composed of the following: The Governor, one member from each House of the General Assembly who shall be appointed by the presiding officer of each House, and four other members who shall be appointed by the Governor for terms of four years. The Governor shall be chairman unless he shall designate another member to act in his stead. The Council shall meet on the call of the chairman or at the request of a majority of the members, but in any event the Council shall meet not less than three times in each year. The Council may consider any and all matters relating to public educational policy and any matters relating to recommendations of the Educational Commission of the states and the activities of the members in representing this State thereon.

HISTORY: 1962 Code § 21-60.22; 1966 (54) 2676.

§ 59–11–30. Bylaws shall be filed with Secretary of State.

Pursuant to Article III (I) of the compact, the Commission shall file a copy of its bylaws and any amendment thereto with the Secretary of State.

HISTORY: 1962 Code § 21-60.23; 1966 (54) 2676.

SOUTHERN REGIONAL EDUCATION BOARD

(R846, S1259, H1533) **No. 860**

A JOINT RESOLUTION. Giving Legislative Approval To That Certain Compact Entered Into By The States Of South Carolina, Georgia, Florida, Alabama, Tennessee And Other Southern States, By And Through Their Respective Governors On February 8, 1948, Relative To The Planning, Acquisition, Establishment And Maintenance Of Jointly Owned And Operated Regional Educational Institutions; To Declare That South Carolina Is A Party To Said Compact And That The Agreements, Covenants And Obligations Therein, Are Binding Upon Said State, And To Appropriate Money To Be Used In Carrying Out The Purposes Thereof.

WHEREAS, on the 8th day of February in the Year of Our Lord One Thousand Nine Hundred and Forty-Eight, the States of South Carolina, Georgia, Florida, Alabama, Tennessee and other Southern States, through and by their respective Governors, entered into a written compact relative to planning, acquisition, establishment and maintenance of jointly owned and operated regional educational institutions, a copy of which compact is as follows:

"WHEREAS, the States who are parties hereto have during the past several years conducted careful investigation looking towards the establishment and maintenance of jointly owned and operated regional educational institutions in the Southern states in the professional, technological, scientific, literary and other fields, so as to provide greater educational advantages and facilities for the citizens of the several States who reside within such region, and

WHEREAS, Meharry Medical College of Nashville, Tennessee, has proposed that its lands, buildings, equipment, and the net income from its endowment be turned over to the Southern States, or to an agency acting in their behalf, to be operated as a regional institution for medical, dental and nursing education upon terms and conditions to be hereafter agreed upon between the Southern States and Meharry Medical College, which proposal, because of the present financial condition of the institution, has been approved by the said states who are parties hereto; and

WHEREAS, the said States desire to enter into a compact with each other providing for the planning and establishment of regional educational facilities;

NOW, THEREFORE, in consideration of the mutual agreements, covenants and obligations assumed by the respective states who are parties hereto (hereinafter referred to as "States"), the said several States do hereby form a geographical district or region consisting of the areas lying within the boundaries of the contracting States which, for the purposes of this compact, shall constitute an area for regional education supported by public funds derived from taxation by the constituent States and derived from other sources for the establishment, acquisition, operation and maintenance of regional educational schools and institutions for the benefit of citizens of the respective States residing within the region so established as may be determined from time to time in accordance with the terms and provisions of this compact.

The States do further hereby establish and create a joint agency which shall be known as the Board of Control for Southern Regional Education (hereinafter referred to as the "Board"), the members of which Board shall consist of the Governor of each State ex-officio and two additional citizens of each State to be appointed by the Governor thereof, at least one of whom shall be selected from the field of education. The Governor shall continue as a member of the Board during his tenure of office as Governor of the State but the members of the Board appointed by the Governor shall hold office for a period of five (5) years except that in the original appointment one Board member so appointed by the Governor shall be designated at the time of his appointment to serve an initial term of three (3) years, but thereafter his successor shall serve the full term of five (5) years. Vacancies on the Board caused by death, resignation, refusal or inability to serve, shall be filled by appointment by the Governor for the unexpired portion of the term. The officers of the Board shall be a Chairman, a Vice-Chairman, a Secretary, a Treasurer, and such additional officers as may be created by the Board from time to time. The Board shall meet annually and officers shall be elected to hold office until the next annual meeting. The Board shall have the right to formulate and establish by-laws not inconsistent with the provisions of this compact to govern its own actions in the performance of the duties delegated to it including the right to create and appoint an Executive Committee and a Finance Committee with such powers and authority as the Board may delegate to them from time to time.

It shall be the duty of the Board to submit plans and recommendations to the States from time to time for their approval and adoption by appropriate legislative action for the development, establishment, acquisition, operation and maintenance of educational schools and institutions within the geographical limits of the regional area of the States, of such character and type and for such educational purposes, professional, technological, scientific, literary, or otherwise, as they may deem and determine to be proper, necessary or advisable. Title to all such educational institutions when so established by appropriate legislative actions of the States and to all properties and facilities used in connection therewith shall be vested in said Board as the agency of and for the use and benefit of the said States and the citizens thereof, and all such educational institutions shall be operated, maintained and financed in the manner herein set out, subject to any provisions or limitations which may be contained in the legislative acts of the States authorizing the creation, establishment and operation of such educational institutions.

The Board shall have such additional and general power and authority as may be vested in it by the States from time to time by legislative enactments of the said States.

Any two or more States who are parties to this compact shall have the right to enter into supplemental agreements providing for the establishment, financing and operation of regional educational institutions for the benefit of citizens residing within an area which constitutes a portion of the general region herein created, such institutions to be financed exclusively by such States and to be controled exclusively by the members of the Board representing such States provided such agreement is submitted to and approved by the Board prior to the establishment of such institutions.

Each State agrees that, when authorized by the Legislature, it will from time to time make available and pay over to said Board such funds as may be required for the establishment, acquisition, operation, and maintenance of such regional educational institutions as may be authorized by the States under the terms of this compact, the contribution of each State at all times to be in the proportion that its population bears to the total combined population of the States who are parties hereto as shown from time to time by the most recent official published report of the Bureau of Census of the United States of America, or upon such other basis as may be agreed upon.

This compact shall not take effect or be binding upon any State unless and until it shall be approved by proper legislative action of as many as six or more of the States whose governors have subscribed hereto within a period of eighteen months from the date hereof. When and if six or more States shall have given legislative approval to this compact within said eighteen months' period, it shall be and become binding upon such six or more States sixty (60) days after the date of legislative approval by the sixth State and the Governors of such six or more States shall forthwith name the members of the Board from their States as hereinabove set out, and the Board shall then meet on call of the Governor of any State approving this compact, at which time the Board shall elect officers, adopt by-laws, appoint committees and otherwise fully organize. Other States whose names are subscribed hereto shall thereafter become parties hereto upon approval of this compact by legislative action within two years from the date hereof, upon such conditions as may be agreed upon at the time.

After becoming effective this compact shall thereafter continue without limitation of time provided, however, that it may be terminated at any time by unanimous action of the States, and PROVIDED, FURTHER, that any State may withdraw from this compact if such withdrawal is approved by its legislature, such withdrawal to become effective two years after written notice thereof to the Board accompanied by a certified copy of the requisite legislative action, but such withdrawal shall not relieve the withdrawing State from its obligations hereunder accruing up to the effective date of such withdrawal. Any State so withdrawing shall ipso facto cease to have any claim to or ownership of any of the property held or vested in the Board or to any of the funds of the Board held under the terms of this compact.

If any State shall at any time become in default in the performance of any of its obligations assumed herein or with respect to any obligation imposed upon said State as authorized by and in compliance with the terms and provisions of this compact, all rights, privileges and benefits of such defaulting State, its members on the Board and its citizens shall ipso facto be and become suspended from and after the date of such default. Unless such default shall be remedied and made good within a period of one year immediately following the date of such default, this compact may be terminated with respect to such defaulting State by an affirmative vote of three-fourths of the members of the Board (exclusive of the members representing the State in default, from and after which time such State shall cease to be a party to this compact and shall have no further claim to or ownership of any of the property held by or vested in the Board or to any of the funds of the Board held under the terms of this compact, but such termination shall in no manner release such defaulting State from any accrued obligation or otherwise affect this compact or the rights, duties, privileges or obligations of the remaining States thereunder.

IN WITNESS WHEREOF, this compact has been approved and signed by the Governors of the several States, subject to the approval of their respective legislatures in the manner hereinabove set out, as of the 8th day of February, 1948; and

WHEREAS, it is desired that the said compact be given legislative approval by the State of South Carolina; NOW, THEREFORE,

BE IT RESOLVED by the General Assembly of South Carolina:

SECTION 1: Compact entered into by Southern States February 8, 1948, providing for jointly owned and operated regional educational institutions approved—State party thereto—terms binding on State.—That the said compact be, and the same is hereby, approved and the State of South Carolina is hereby declared to be a party thereto, and the agreements, covenants and obligations therein are binding upon the State of South Carolina.

SECTION 2: Appropriation.—That there is hereby appropriated the sum of Thirty-five Thousand ($35,000.00) Dollars from the general funds of this State, to be paid to the Board of Control for Southern Regional Education, if and when such Board is established under the provisions of said compact. Said money to be expended by said Board in carrying out the powers, duties and authorities as outlined in said compact.

SECTION 3: Time effective.—This Resolution shall take effect upon its approval by the Governor.

Approved the 3rd day of April, 1948

(R715, H1872) **No. 918**

An Act To Amend The Southern Regional Education Compact Which Was Approved By The General Assembly Of South Carolina By Joint Resolution No. 860 Of 1948, So As To Increase The Number Of Members Of The Board Of Control For Southern Regional Education From Four From Each State To Five From Each State, And To Specify That One Member From Each State Shall Be Appointed By The Governor From Among The Membership Of The Legislature Of The State.

Be it enacted by the General Assembly of the State of South Carolina:

Joint Resolution 860 of 1948, amended—Board of Control for Southern Regional Education—members increased:
SECTION 1. The Southern Regional Education Compact, which was approved by the General Assembly of South Carolina by Joint Resolution No. 860 of 1948, is amended by striking out that portion of paragraph 2 of the compact which reads as follows:

"The States do further hereby establish and create a joint agency which shall be known as the Board of Control for Southern Regional Education (hereinafter referred to as the 'Board'), the members of which Board shall consist of the Governor of each State, *ex officio*, and three additional citizens of each State to be appointed by the Governor thereof, at least one of whom shall be selected from the field of education."

and substituting therefor the following:

"The States do further hereby establish and create a joint agency which shall be known as the Board of Control for Southern Regional Education (hereinafter referred to as the 'Board'), the members of which Board shall consist of the Governor of each State, *ex officio*, and four additional citizens of each State to be appointed by the Governor thereof, at least one of whom shall be selected from the field of Education, and at least one of whom shall be a member of the Legislature of that State."

Time effective:
SECTION 2. This act shall take effect when eight or more of the states party to the Compact have given legislative approval to the amendment.

Approved the 8th day of March, 1956.

(R773, S125)

No. 1001

An Act To Amend Act No. 860 Of The Acts Of 1948, Which Binds The State Of South Carolina To The Compact Entered Into By The Southern States For Jointly Owning And Operating Regional Educational Institutions, So As To Change The Length Of The Terms Of The Members Appointed By The Governor From Five To Four Years In Order To Conform To Similar Actions By The Legislatures Of The Other Southern States.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Act 860 of 1948 amended—terms of members reduced.—Act No. 860 of the Acts of 1948, which made binding upon the State of South Carolina a compact entered into by the Southern States for jointly owning and operating regional education institutions, is amended by striking in its entirety that portion which reads: "The Governor shall continue as a member of the Board during his tenure of office as Governor of the State but the members of the Board appointed by the Governor shall hold office for a period of five (5) years except that in the original appointment one Board member so appointed by the Governor shall be designated at the time of his appointment to serve an initial term of three (3) years, but thereafter his successor shall serve the full term of five (5) years.", and inserting in lieu thereof the following: "The Governor shall continue as a member of the Board during his tenure of office as Governor of the State, but the members of the Board appointed by the Governor shall hold office for a period of four (4) years except that upon the expiration of terms of three of the members on June 30, 1961, one successor so appointed by the Governor shall be designated at the time of his appointment to serve a term of one (1) year, one successor to serve a term of three (3) years, and the other successor to serve the full term of four (4) years, but thereafter the successor of each appointed Board member shall serve the full term of four (4) years."

SECTION 2. Repeal.—All acts or parts of acts inconsistent herewith are repealed.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of March, 1962.

(R973, H2477) **No. 1288**

An Act To Amend Act 860 Of 1948, As Amended, Which Binds The State Of South Carolina To The Compact Entered Into By The Southern States For Jointly Owning And Operating Regional Educational Institutions, So As To Authorize South Carolina To Participate In The Academic Common Market Being Proposed By The Southern Regional Education Board.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Additional powers.—Act 860 of 1948, as last amended by Act 1001 of 1962, is further amended by striking the fourth paragraph of the compact which reads as follows:

"The Board shall have such additional and general power and authority as may be vested in it by the States from time to time by legislative enactments of the said States." Insert in lieu thereof the following:

"In addition to the power and authority here granted, the Board shall have the power to enter into such agreements or arrangements with any of the States and with educational institutions or agencies, as may be required in the judgment of the Board, to provide adequate services and facilities for graduate, professional and technical education for the benefit of the citizens of the respective state residing within the region, and such additional and general power and authority as may be vested in the Board from time to time by legislative enactment of such States."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 28th day of February, 1974.